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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह घलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—प्रण ३—उपखण्ड (ii)

PART II—Section ३—Sub-section (ii)

(राजा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विविध आदेश और प्रधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 15th March 1972

S.O. 940.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

CENTRAL CIVIL SERVICES (LEAVE) RULES, 1972

CHAPTER I—Preliminary

1. **Short title and commencement.**—(1) These rules may be called the Central Civil Services (Leave) Rules, 1972.

(2) They shall come into force on the 1st day of June, 1972.

2. **Extent of application.**—Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the Union, but shall not apply to—

- (a) Railway servants;
- (b) persons in casual or daily rated or part-time employment;
- (c) persons paid from contingencies;

(d) workmen employed in industrial establishments;

(e) persons employed in work-charged establishments;

(f) members of the All-India Services;

(g) persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;

(h) persons employed on contract except when the contract provides otherwise;

(i) persons in respect of whom special provisions have been made by or under the provisions of the Constitution or any other law for the time being in force;

(j) persons governed, for purposes of leave, by the Fundamental Rules or the Civil Service Regulations;

(k) persons serving under a Central Government Department, on deputation from a State Government or any other source, for a limited duration.

3. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) “Administrator” means an Administrator of a Union territory;

(b) “Audit Officer” means the Accounts and Audit Officer, whatever his official designation, in

whose circle the office of the Government servant is situated;

(c) "authority competent to grant leave" means the authority specified in column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in column (2) of the said Schedule;

(d) "completed years of service" or "one year's continuous service" means continuous service of specified duration under the Central Government and includes the period spent on duty as well as on leave including extraordinary leave;

(e) "compulsory retirement" means the retirement of a Government servant on his attaining the age prescribed for such retirement under the terms and conditions governing his service;

(f) "Department of the Central Government" means a Ministry or a Department of the Central Government as notified from time to time and includes the Planning Commission, the Department of Parliamentary Affairs, the President's Secretariat, the Vice-President's Secretariat, the Cabinet Secretariat and the Prime Minister's Secretariat;

(g) "foreign service" means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State;

(h) "Form" means a Form appended to the Second Schedule to these rules;

(i) "Government servant in quasi-permanent employ" means—

- (A) an officer who having been declared by the Union Public Service Commission to be eligible for appointment to the ministerial services of the Government of India, has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up the appointment, that the vacancy is expected to become permanent, but is not confirmed after completion of 3 years continuous service;
- (B) an officer who may be declared as quasi-permanent under the Central Civil Services (Temporary Service) Rules, 1965;

(j) "Government servant in permanent employ" means an officer who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended;

(k) "Head of Mission" means Ambassador, Charge d' Affairs, Minister, Consul General, High Commissioner or any other authority declared as such by the Central Government, in the country in which the Government servant undergoes a course of study or training;

(l) "military officer" means an officer of the Armed Forces who is—

- (i) a Commissioned Officer of the Army, the Navy or the Air Force, or
- (ii) (a) a Junior Commissioned Officer (including an honorary commissioned officer), or an 'other rank' of the Army, or
- (b) a Branch List Officer or a rating of the Navy, or
- (c) an airman including a Master Warrant Officer of the Air Force;

(m) "Vacation Department" means a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expression used herein and not defined but defined in the Fundamental Rules and Supplementary Rules shall have the meanings respectively assigned to them in the Fundamental Rules and Supplementary Rules.

4. Government servants on temporary transfer or on foreign service.—(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Indian Railways or to a State Government or while on foreign service within India.

(2) In the case of Government servants on foreign service outside India (including service with U.N. agencies within or outside India) or on temporary transfer to the Armed Forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

5. Transfer from services or posts governed by other leave rules.—Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply—

- (a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer; and
- (b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in rule 26. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the Department or the Government from which the Government servant is transferred.

6. Transfer to industrial establishment.—If a Government servant governed by these rules is appointed in an industrial establishment wherein his leave terms are governed by the Factories Act, 1948 (63 of 1948), the balance of the leave at his credit on the date of such appointment shall be allowed to be availed of as terminal leave or may lapse, subject to revival as and when he is transferred back to a service or post to which these rules apply.

CHAPTER II—General Conditions

7. Right to leave.—(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

8. Regulation of claim to leave.—A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

9. Effect of dismissal, removal or resignation on leave at credit.—(1) Except as provided in rule 39 and this rule, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) Where a Government servant applies for another post under the Government of India but outside his parent office or department and if such application is forwarded through proper channel, and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A Government servant, who is dismissed or removed from service and is re-instated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

10. Commutation of one kind of leave into another.—

(1) At the request of a Government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the Government servant cannot claim such commutation as a matter of right.

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE.—Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of rule 31.

11. Combination of different kinds of leave.—Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation.—Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

12. Maximum amount of continuous leave.—Unless the President, in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

13. Acceptance of service or employment while on leave.—(1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement or leave granted beyond the date of retirement or quitting service, shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of—

- (a) the President, if the proposed service or employment lies elsewhere than in India; or
- (b) the authority empowered to appoint him, if the proposed service or employment lies in India.

(2) (a) No Government servant while on leave, other than leave preparatory to retirement or leave granted beyond the date of retirement, shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

(3) (a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of compulsory retirement, for employment during such leave in any post under the Central Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under clause (a) shall be treated as leave refused and subject to the provisions of rule 39 it may be granted from the date of compulsory retirement of the Government servant.

(c) Such recall to duty before expiry of leave shall be treated as optional for the purpose of rule 23.

(d) No leave shall be earned in respect of any period of employment during leave preparatory to retirement.

(4) Where a Government servant is on leave beyond the date of compulsory retirement as provided in rule 39 and is employed during such leave in any post under the Central Government in or outside India or under a local body referred to in clause (a) of sub-rule (2) of rule 38, he may, if he so desires, continue to enjoy his leave concurrently with such employment or may avail himself of the unexpired portion of such leave at the termination of the period of such employment, subject to the maximum limit of 120 or 180 days, as the case may be, as prescribed in rule 28.

CHAPTER III—Grant of and return from leave

14. Application for leave.—Any application for leave or for extension of leave shall be made in Form 1 to the authority competent to grant leave.

15. Leave account.—Except as provided in the Note below, a leave account shall be maintained in Form 2 for each Government servant by the Audit Officer in the case of Gazetted Government servants and by the Head of Office or an officer authorised by him in the case of non-gazetted Government servants.

NOTE.—In the case of a Section Officer in the Government of India Secretariat or in an attached office, who is a gazetted Government servant, the leave account shall be maintained by the Head of office.

16. Verification of title to leave.—(1) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

(2) (a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding 60 days.

(b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued where necessary.

(c) In the case of gazetted Government servants, the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave salary slip for a period not exceeding 60 days.

NOTE.—In the case of leave preparatory to retirement or refused leave, an undertaking for recovery of the leave salary, if any, paid in excess shall be taken from the Government servant.

17. Leave not to be granted in certain circumstances.—Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss remove or compulsorily retire from Government service.

18. Grant of leave on medical certificate to gazetted Government servants.—(1) Before a gazetted Government servant is granted leave or an extension of leave, on medical certificate, he shall obtain a certificate in Form 3.

(2) (a) In case the certificate obtained under sub-rule (1) recommends appearance of the Government servant before a Medical Board, the Government servant shall, except in cases covered by sub-rule (6), obtain from the authority competent to grant leave the permission to appear before a Medical Board.

(b) The authority competent to grant leave shall request the Chief Medical Officer of the district in which the Government servant is serving or in which he falls ill or to which he proceeds for treatment, to set up a Medical Board.

(c) The Government servant shall present himself before the Medical Board with two copies of the statement of his case.

(3) The Medical Board may give the Government servant a certificate to the following effect, namely:—

"We do hereby certify that, according to the best of our professional judgment and after careful personal examination of the case, we consider the health of Shri/Shrimati/Kumari _____ to be such as to render leave of absence for a period of _____ absolutely necessary for his/her recovery."

NOTE.—Where the leave recommended is for more than three months or where the leave for three months or less is extended beyond three months, the medical Board shall state, at the time of giving this certificate, whether the Government servant should or need not appear before another Medical Board for obtaining the certificate of fitness for return to duty.

(4) Where the Medical Board entertain a doubt, it may, before giving the certificate under sub-rule (3), provide for the keeping of the applicant under professional observation for a period not exceeding fourteen days and give him a certificate to the following effect, namely:—

"Shri/Shrimati/Kumari _____ having applied to us for a medical certificate recommending the grant to him/her of leave, we consider it expedient, before granting or refusing such certificate, to keep Shri/Shrimati/Kumari _____ under professional observation for _____ days."

(5) If the state of health of the applicant is certified by the Chief Medical Officer or District Medical Officer to be such as to make it impracticable for the applicant, for a specified period, to present himself/herself at the place where a Board can be assembled, the authority competent to grant the leave may, in lieu of the certificate prescribed in sub-rule (3), accept a certificate signed by any two medical officers, not below the rank of a Civil Surgeon or Staff Surgeon.

(6) Notwithstanding anything contained in sub-rule (5), the authority competent to grant leave may dispense with the procedure laid down in sub-rules (2) and (3)—

(a) when the leave recommended by the Authorised Medical Attendant is for a period not exceeding two months, and such Medical Attendant certifies that in his opinion it is not necessary for the applicant to appear before a Medical Board, or

(b) the applicant is undergoing treatment in a hospital as an indoor patient and the leave is recommended by the Medical Officer-in-charge of the case in the hospital not below the rank of a Civil Surgeon or Staff Surgeon, for the period of hospitalisation or convalescence.

(7) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the medical certificate.

(8) The grant of a medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

19. Grant of leave on medical certificate to non-gazetted Government servants.—(1) An application for leave on medical certificate, made by a non-gazetted Government servant, shall be accompanied by a medical certificate in Form 4 given by an Authorised Medical Attendant or a registered medical practitioner, defining as clearly as possible the nature and probable duration of the illness.

NOTE.—A certificate given by a registered Ayurvedic, Unani or Homoeopathic medical practitioner or by a registered Dentist in the case of dental ailments, or by an honorary medical officer may also be accepted provided such certificate is accepted, for the same purpose in respect of its own employee by the Government of a State in which the Central Government servant falls ill or to which he proceeds for treatment.

(2) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the medical certificate.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or before a medical officer nominated by himself.

(5) The grant of a medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

20. Leave to a Government servant who is unlikely to be fit to return to duty.—(1) (a) When a medical authority has reported that there is no reasonable prospect that the Government servant will ever be fit to return to duty, leave shall not necessarily be refused to such Government servant.

(b) the leave may be granted, if due by authority competent to grant leave on the following conditions:—

(i) if the medical authority is unable to say with certainty that the Government servant will

never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority.

(ii) if a Government servant is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority does not exceed six months.

(2) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service shall,

(a) if he is on duty, be invalided from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority; if however, he is granted leave under sub-rule (1) he shall be invalided from service on the expiry of such leave,

(b) if he is already on leave, be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

21. Commencement and termination of leave.—Except as provided in rule 22, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

22. Combination of holidays with leave.—(1) When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave expires, is a holiday or one of a series of holidays, the Government servant may be permitted to leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays:

Provided that—

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(2) On condition that the departing Government servant remains responsible for the moneys in his charge, the Head of Department may, in any particular case, waive the application of clause (a) of the proviso to sub-rule (1).

(3) Unless the authority competent to grant leave in any case otherwise directs—

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

NOTE.—A compensatory leave granted in lieu of duty performed by a Government servant on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

23. Recall to duty before expiry of leave.—(1) All orders recalling a Government servant to duty before the expiry of his leave shall state whether the return to duty is optional or compulsory.

(2) Where the return to duty is optional, the Government servant shall not be entitled to any concession.

(3) Where the return to duty is compulsory, the Government servant shall be entitled,—

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw—

(i) travelling allowance under rules made in this behalf for the journey; and
(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty;

(b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive,—

(i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, xx xx at the same rate at which he would have drawn it but for recall to duty;

(ii) a free passage to India;

(iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever is shorter;

(iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

24. Return from leave.—(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3)(a) A Government servant, who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 5.

(b) If the Government servant is a gazetted officer the certificate under clause (a) shall be obtained from a Medical Board, except in the following cases:—

(i) cases in which the leave is for not more than three months;

(ii) cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the medical Board states, at the time of granting the original certificate or the certificate for extension, that the Government servant need not appear before another Medical Board for obtaining the certificate of fitness.

(c) In cases falling under clause (b), the certificate may be obtained from the Chief Medical Officer, the District Medical Officer, a Civil Surgeon, a Staff Surgeon or a Medical Officer of equivalent status including a Medical Officer of the Central Government Health Scheme or in a case covered by sub-rule (6) of rule

18, from the Authorised Medical Attendant or the Medical Superintendent of the hospital concerned.

(d) In the case of a non-gazetted Government servant, the authority under which the Government servant is employed on return from leave may, in its discretion, accept a certificate signed by a registered medical practitioner.

(4)(a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE.—A Government servant who had been suffering from tuberculosis may be allowed to resume duty on the basic of Fitness Certificate which recommends light work for him.

25. Absence after expiry of leave.—(1) Unless the authority competent to grant leave extends the leave, a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

CHAPTER IV—Kinds of leave due and Admissible

26. Earned leave for Government servants serving in Department other than vacation Departments.—(1) (a) A Government servant (other than a military officer) who is serving in a Department other than a vacation Department shall be entitled to earned leave at the rate of 1/22nd of the period spent on duty if he is not in permanent employ and is in the first year of service, and at the rate of 1/11th of the period spent on duty if he is in permanent employ or quasi-permanent employ or if he is not permanent or quasi-permanent but has completed one year's service.

(b) The Government servant shall cease to earn such leave under clause (a) when the earned leave due amounts to 180 days.

(c)(i) Where a Government servant not in permanent employ or quasi-permanent employ is appointed without interruption of service substantively to a permanent post or declared as quasi-permanent, his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave already taken.

(ii) Where a Government servant had availed of extraordinary leave since the date of permanent appointment or quasi-permanent appointment, such leave may, subject to the provisions of rule 10, be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

(d) A period spent in foreign service shall count as duty for purposes of this rule. If contribution towards leave salary is paid on account of such period.

Exception:—The earned leave admissible to a Government servant of non-Asianic domicile recruited in India, who is in continuous service from a date prior to the 1st February, 1949 and is entitled to leave passage, is one-seventh of the period spent on duty and he

ceases to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of rules 7 and 39 and sub-rules (1) and (3) of this rule, the maximum earned leave that may be granted at a time shall be:—

(i) 120 days, in the case of any Government servant employed in India, or

(ii) 150 days, in the case of a Government servant mentioned in the Exception to sub-rule (1).

(3) Earned leave may be granted to a Government servant in Class I or Class II service or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 120 days or 150 days, as the case may be, but not exceeding 180 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Ceylon, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 120 days or 150 days, as the case may be, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

27. Calculation of earned leave.—(1) In calculating earned leave referred to in sub-rule (1) of rule 26, the actual number of days of duty performed shall first be counted and then multiplied by 1/11 or 1/22, as the case may be, and the product expressed in days and fraction of day.

(2) In case there is a change in the rate of earning of leave, the fraction in the earned leave shall be rounded off to the nearest day, that is fraction below half shall be ignored and that half or more shall be reckoned as one day.

28. Earned leave for persons serving in vacation Departments.—(1) A Government servant (other than a military officer) serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(2)(a) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days, or 45 days when governed by the Exception to sub-rule (1) of rule 26, as the number of days of vacation not taken bears to the full vacation:

Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.

(b) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 26.

Explanation:—For the purposes of this rule, the term "year" shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a vacation Department.

NOTE 1:—A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

NOTE 2:—When a Government servant serving in a vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations

which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacations that fall during the year commencing from the date on which he completed the previous year of duty.

(3) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government servant at a time under rule 26:

Provided further that the total duration of vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

29. Half pay leave.—(1) (a).—A Government servant (other than a military officer), shall be entitled to half pay leave of 20 days in respect of each completed year of service.

(b) The leave due under clause (a), may be granted on medical certificate or on private affairs:

Provided that in the case of a Government servant not in permanent employ or quasi-permanent employ, no half pay leave may be granted unless the authority competent to grant leave has reason to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a medical authority.

(2) If a Government servant is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty.

30. Commuted leave.—(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant (other than a military officer), subject to the following conditions:

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;
- (b) the total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days;
- (c) commuted leave during the entire service shall be limited to a maximum of 240 days;
- (d) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;
- (e) the authority competent to grant leave obtains an undertaking from the Government servant that in the event of his resignation or retiring voluntarily from service, he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

NOTE.—Commututed leave may be granted at the request of the Government servant even when earned leave is due to him.

31. Leave not due.—(1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) subject to the following conditions:

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;
- (b) leave not due shall be limited to the half pay leave he is likely to earn thereafter;
- (c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate;
- (d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently;
- (e) the authority competent to grant leave obtains an undertaking from the Government servant that in the event of his resigning or retiring voluntarily from service, he shall refund the leave salary paid to him.

(2) (a) Where a Government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

32. Extraordinary leave.—(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances—

- (a) when no other leave is admissible;
- (b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits—

- (a) three months;
- (b) six months, where the Government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules;
- (c) twelve months, where the Government servant who has completed one year's continuous service is undergoing treatment for cancer, or for mental illness, in an institution recognised for the treatment of such disease or by a

Civil Surgeon or Staff Surgeon or a specialist in such disease;

(d) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for—

(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;

NOTE.—The concession of extraordinary leave upto eighteen months shall be admissible also to a Government servant suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon, or

(iii) leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned;

(e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a).

(3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub-rule (2), he shall be required to execute a bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the Pre-Examination Training Course at the centres notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

33. Leave to a probationer, a person on probation and an apprentice.—(1) (a) A probationer shall be entitled to leave under these rules as if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend—

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post:

Provided that where such person already holds a lien on permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

(3) An apprentice shall be entitled to,—

(a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under rule 32.

34. Persons re-employed after retirement.—In the case of a person re-employed after retirement the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

35. Leave of Military officers in civil employ.—Notwithstanding anything contained in these rules, where a military officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as follows:—

(a) (i) instead of annual leave, he may be granted earned leave as calculated under rule 26 from the beginning of the calander year following that in which he becomes subject to this rule; his leave account being initially credited with the earned leave equal to the number of days of annual leave which, on the date on which he becomes subject to this rule, it would be permissible to grant him under the leave rules of the Armed Forces:

Provided that, if annual leave under the leave rules of the Armed Forces is not admissible in respect of the calander year of transfer, duty counting for earned leave shall commence on the date on which he becomes subject to this rule:

Provided further that in the case of a military officer serving in a vacation department the provisions of rule 23 shall, as far may be, apply to the calculation and grant of leave:

Provided also that a military officer holding substantively a tenure post, who is temporarily reverted to military duty, shall be treated as if he had remained subject to this rule throughout the period of his absence from his civil post, any annual leave taken under the leave rules of the Armed Forces during the period being treated as earned leave taken under this rule;

(ii) he may also be granted any leave, other than annual leave, admissible under the leave rules of the Armed Forces either alone or in combination with earned leave.

(b) The total period of leave shall be regulated by the limits in force under the leave rules of the Armed Forces to which the Military officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the military officer concerned at the time it was granted:

Provided that, except in the case of a military officer holding substantively a tenure post, no leave under sub-clause (ii) of clause (a) may

be granted to a military officer unless the civil authority which grants the leave is prepared to re-employ him immediately upon the termination of the leave:

Provided further that in the case of a military officer holding substantively a tenure post, leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of public service.

(d) Any leave granted under this rule to a military officer holding civil appointment of limited tenure shall not extend beyond the term of his civil appointment.

36. Released or discharged military officers in civil employ.—A military officer in civil employ shall cease to be governed by rule 35 with effect from the date from which he is released or discharged from the Armed Forces and shall, with effect from the date of such release or discharge, become subject to these rules, the earned leave due to him on that date being carried forward.

37. Military officer appointed substantively to civil post.—Where a military officer is appointed substantively to a permanent civil post (other than a tenure post) there shall be credited initially in his leave account—

- (a) (i) earned leave equal to the number of days of the annual leave which on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces, or
- (ii) earned leave, if any, which, on the date on which he is so appointed, it would be permissible to grant him under rule 35:

Provided that where such appointment is made in the calendar year in which the military officer was transferred to civil employ, the credit under sub-clause (i) of clause (a) shall be reduced by one-eleventh of the duty intervening between the date of that appointment and the termination of the calendar year of transfer but no reduction shall be made if annual leave is not admissible in respect of the calendar year of transfer;

- (b) half pay leave equal to the number of days of furlough which, on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.

38. Leave preparatory to retirement.—(1) A Government servant may be permitted by the authority competent to take leave preparatory to retirement to the extent of earned leave due, not exceeding 120 or 180 days as the case may be as prescribed in rule 26, together with half pay leave due, subject to the condition that such leave extends upto and includes the day preceding the date of compulsory retirement.

NOTE.—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(2) (a) Where a Government servant who is on foreign service in or under any local authority or a corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, it may be granted only if that local body is prepared to release him from employment to enable him to avail of the leave.

(b) If he is not so released, the leave shall be refused in public interest by the authority competent to grant leave and it may then be availed of by the

Government servant to the extent admissible under rule 39 from the date of his quitting service.

(3) Where a Government servant is on foreign service in or under a local body other than the one mentioned in clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government servant continues in service under such foreign employer, the Government servant shall not be eligible for grant of refused leave under rule 39.

39. Leave beyond the date of compulsory retirement or quitting of service.—(1) Except as provided herein-after, no leave shall be granted to a Government servant beyond—

- (a) the date of his compulsory retirement, or
- (b) the date of his final cessation of duties, or
- (c) the date on which he retires by giving notice to Government, or he is retired by Government by giving him notice or pay and allowance in lieu of such notice, in accordance with the terms and conditions of his service, or
- (d) the date of his resignation from service.

(2) Where a Government servant has, in sufficient time before the date of his compulsory retirement,—

- (a) formally applied for leave due as preparatory to retirement and the leave has been refused in whole or in part, or
- (b) ascertained in writing from the authority competent to grant leave that such leave if applied for would not be granted.

on account of exigencies of public service, then he may be granted from the date of retirement the amount of earned leave which was due to him on the said date of compulsory retirement subject to the maximum limit of 120 or 180 days as the case may be as prescribed in rule 26, so long as,—

- (i) the leave so granted, including the leave granted to him between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement, does not exceed the amount of leave preparatory to retirement actually denied;
- (ii) the half pay leave, if any, applied for by him as leave preparatory to retirement and denied in the exigencies of public service, being exchanged with earned leave to the extent such leave was earned between the date from which the leave preparatory to retirement was to commence and the date of compulsory retirement.

NOTE.—Compulsory retention in service or recall from leave preparatory to retirement shall be treated as constructive refusal of leave preparatory to retirement.

(3) Where a Government servant, who had been prevented from applying for leave preparatory to retirement by reason of having been under suspension, is reinstated within 120 or 180 days, as the case may be, preceding the date of compulsory retirement and in whose case the authority competent to order reinstatement holds that the suspension was wholly unjustified, he shall be allowed to avail himself of such leave as he was prevented from applying for, subject to a maximum of 120 or 180 days as the case may be, as prescribed in rule 26.

(4) Where a Government servant, who retired from service on attaining the age of compulsory retirement while under suspension, was prevented from applying for leave preparatory to retirement on account of having been under suspension and in whose case the authority competent to order reinstatement holds that the suspension was wholly unjustified, he shall be allowed to avail himself of leave at his credit subject

to a maximum of 120 or 180 days, as the case may be, as prescribed in rule 26, after the termination of proceedings as if it had been refused as aforesaid.

(5) Where the service of a Government servant has been extended in the interest of public service beyond the date of his compulsory retirement, he may be granted earned leave, subject to a maximum of 120 or 180 days, as the case may be, as prescribed in rule 26, as follows:

- (i) during the period of extension, any earned leave due in respect of the period of such extension and, to the extent necessary, the earned leave which could have been granted to him under sub-rule (2) had he retired on the date of compulsory retirement;
- (ii) after the expiry of the period of extension—
 - (a) the earned leave which could have been granted to him under sub-rule (2) had he retired on the date of compulsory retirement diminished by the amount of such leave availed of during the period of extension; and
 - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the extension and refused to him on account of the exigencies of the public service.

(6) A Government servant to whom clause (c) of sub-rule (1) applies may be granted leave due and admissible to him which may extend beyond the date on which he retires or is retired from service, but not extending beyond the date on which he attains the age of compulsory retirement:

Provided that a Government servant, who is retired by Government by giving him pay and allowances in lieu of notice, may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

(7) Where the service of a Government servant, not in permanent employ, is terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted earned leave to his credit, subject to a maximum of 120 days, even though such leave extends beyond the date on which he ceases to be in service. If the Government servant himself resigns or quits service, he may be granted earned leave to the extent of half of such leave to his credit subject to a maximum of 60 days:

Provided that the leave so granted to such Government servant, other than a Government servant re-employed after attaining the age of compulsory retirement, does not extend beyond the date on which he attains the age of compulsory retirement.

(8) The grant of leave under this rule, except under clause (i) of sub-rule (5), regarded as terminal leave and shall not be construed as extension of service.

40. Leave salary.—(1) Except as provided in sub-rules (2), (6) and (7), a Government servant on earned leave is entitled to leave salary equal to the average of the actual monthly pay earned during the ten complete months immediately preceding the month in which the leave commences or the substantive pay to which the Government servant is entitled immediately, before the commencement of the leave, whichever is greater.

Explanation.—For the purposes of this sub-rule, 'substantive pay' means the pay of the permanent post which the Government servant holds substantively or on which he holds a lieu or would have held a lieu

had the lieu not been suspended and includes special pay declared to be part of the scale of pay of the post:

Provided that in the case of a Government servant in quasi-permanent employ as defined in sub-clause (A) of clause (i) of sub-rule (1) of rule 3, the pay of the post in which he was initially appointed in a temporary or officiating capacity shall be deemed to be the substantive pay and in the case of a Government servant in quasi-permanent employ as defined in sub-clause (B) of the said clause (i) the pay admissible in the post in which he has been declared quasi-permanent shall be deemed to be the substantive pay:

Provided further that the leave salary of a Government servant who is in permanent employ or quasi-permanent employ and who has been continuously officiating in another post for more than three years at the time he proceeds on leave shall be calculated as if he were the substantive holder of the post in which he was so officiating or in which he would have so officiated but for his officiating appointment in an equivalent or a still higher post.

Explanation.—The period of three years referred to in this proviso shall include—

- (a) all periods of leave during which the Government servant would have officiated in the post but for proceeding on such leave; and
- (b) all periods of officiating service rendered in an equivalent or a still higher post but for appointment to which he would have officiated in that post.

NOTE.—In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn while calculating average pay.

(2) A Government servant, who proceeds on earned leave from a post the maximum of which does not exceed Rs. 300/- per mensem, is entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(3) A Government servant on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1) or sub-rule (2), as the case may be, subject to a maximum of Rs. 750 per mensem:

Provided that this limit shall not apply if the leave is on medical certificate or for pursuing an approved course of study otherwise than on study leave terms.

(4) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1) or sub-rule (2), as the case may be.

(5) A Government servant on extraordinary leave is not entitled to any leave salary.

(6) A Government servant who is permitted during leave, preparatory to retirement, to take up any other service or employment under an employer other than the Central Government, his leave salary shall be restricted to the amount of leave salary admissible while on half pay leave.

(7) (a) A Government servant who is granted leave beyond the date of compulsory retirement or quitting of service, as the case may be, as provided under rule 39, shall be entitled during such leave to leave salary as admissible under this rule, reduced by the amount of pension and pension equivalent of other retirement benefits.

(b) Where such Government servant is re-employed during such leave, the leave salary shall be restricted to the amount of leave salary admissible while on half pay leave and further reduced by the amount of pension and pension equivalent of other retirement benefits.

Provided that it shall be open to the Government servant not to avail himself of the leave but to avail of full pension.

(c) If during such re-employment he is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

(8) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

41. Drawal of leave salary.—The leave salary payable under these rules shall be drawn in rupees in India.

42. Advance of leave salary.—A Government servant, including a Government servant on foreign service proceeding on leave for a period not less than 30 days may be allowed an advance in lieu of leave salary upto a month's pay as provided for in the General Financial Rules.

CHAPTER V—Special kinds of leave other than study leave

43. Maternity leave.—(1) A female Government servant (including an apprentice) may be granted maternity leave by an authority competent to grant leave for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever be earlier. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

NOTE.—In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(2) Maternity leave may also be granted in case of miscarriage, including abortion, subject to the conditions that—

- (a) the leave does not exceed six weeks; and
- (b) the application for the leave is supported by a medical certificate as laid down in rule 18 or rule 19, as the case may be.

(3) Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation of the former may be granted only if the request is supported by a medical certificate.

(4) Leave in continuation of maternity leave may also be granted in case of illness of a newly born baby, subject to production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

44. Special disability leave for injury intentionally inflicted.—(1) The authority competent to grant leave may grant special disability leave to a Government servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice.

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by an Authorised Medical Attendant and shall in no case exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (7), be debited against the leave account.

(7) Leave salary during such leave shall—

(a) for the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave:

Provided that a Government servant may, at his option, be allowed leave salary as in sub-rule (a) for period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half pay leave account.

NOTE.—Leave salary in respect of special disability leave granted to a Government servant who has rendered service under more than one Government may be appointed between the Government in accordance with the normal rules.

(8) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948, (34 of 1948) applies the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) The provisions of this rule shall also apply—

(i) to a civil Government servant disable in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; and

(ii) to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

45. Special disability leave for accidental injury.—

(1) The provisions of rule 44 shall apply also to a Government servant, whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his

official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions:—

- (i) that the disability, if due to disease, must be certified by an Authorised Medical Attendant to be directly due to the performance of the particular duty;
- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanctioned leave, exceptional in character; and
- (iii) that the period of absence recommended by an Authorised Medical Attendant may be covered in part by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

46. Hospital leave.—(1) The authority competent to grant leave may grant hospital leave to—

- (a) Class IV Government servants, and
- (b) such Class III Government servants whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks,

while under medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

(2) Hospital leave shall be granted on the production of medical certificate from an Authorised Medical Attendant.

(3) Hospital leave may be granted on leave salary equal to that admissible during earned leave or half pay leave and for such period as the authority granting it may consider necessary.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination, does not exceed 28 months.

(5) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

47. Seamen's sick leave.—(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks:

Provided that such leave shall not be granted if a Government medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:—

- (a) a Government medical officer must certify the disability;
- (b) the disability must not be due to the seaman's own carelessness or inexperience;
- (c) the vacancy caused by his absence must not be filled.

(3) (a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

48. Quarantine leave.—(1) Where, in consequence of the presence of an infectious disease referred to in sub-rule (2), in the family or household of a Government servant at his place of duty, residence or sojourn, his attendance at his office is considered hazardous to the health of other Government servants, such Government servant may be granted quarantine leave.

(2) (a) For the purposes of sub-rule (1), cholera, small-pox, plague, diphtheria, typhus fever and cerebrospinal meningitis may be considered as infectious diseases. Chicken-pox shall not, however, be considered as an infectious disease unless the Medical Officer or Public Health Officer considers that because of doubt as to the true nature of the disease (for example, small-pox), there is reason for the grant of such leave.

(b) In the case of a Government servant stationed in an area under the administration of a State Government, such other diseases as may have been declared by that Government as infectious for the purpose of quarantine leave rules in force in that State, may also be considered as infectious diseases for the purpose of this rule.

(3) (a) Quarantine leave may be granted by the Head of the office on the certificate of a Medical Officer or Public Health Officer for a period not exceeding 21 days or, in exceptional circumstances 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the Government servant.

(4) Quarantine leave, subject to the maximum laid down in sub-rule (3), may also be granted, when necessary, in continuation of other leave.

(5) A Government servant on quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

49. Departmental leave.—(1) Departmental leave may be granted to—

- (a) Class III Government servants (other than Division I staff and clerks) and to Class IV Government servants in Survey of India, attached to Survey Parties with field and recess duties;
- (b) members of the seasonal staff in the Posts and Telegraphs Department, whose duties are not continuous but are limited to certain fixed periods in each year,

(2) In addition to leave due and admissible, departmental leave may be granted, only to Government servants whose services are temporarily not required.

(3) (a) Departmental leave with leave salary may be granted during the recess by the head of the Party or office to which the Government servant belongs in the Survey of India or an authority not lower than the Divisional Superintendent of Post Offices in the Posts and Telegraphs Department, as the case may be, provided the authority granting the leave considers in the case of a Class IV Government servant that it is desirable to re-employ the Government servant in the ensuing season.

(b) Leave so granted may, in special cases, be extended by the Surveyor General or the Postmaster General or the Director of Posts and Telegraphs, as the case may be, upto a maximum of eighteen months in all.

(4) (a) Departmental leave with leave salary may be granted at times other than the recess, for not more than six months at a time, by Directors in the Survey of India, provided the leave is granted in the interests of Government and not at the request of the Government servant.

(b) Leave so granted may, in special cases, be extended by the Surveyor General upto a maximum of one year in all.

(c) Leave on medical certificate shall not be regarded as granted in the interests of Government.

(5) Where the President by general or special order so authorises, departmental leave without leave salary may be granted by the Surveyor General or the Post Master General or the Director of Posts and Telegraphs, as the case may be, in continuation of the departmental leave with leave salary.

(6) (a) Departmental leave with leave salary may be granted on such leave salary, not exceeding half pay but not less than ten per cent of the pay on duty as the authority granting the leave may think fit.

(b) The leave salary is not payable unless the Government servant returns to duty when required by his superior officer to do so:

Provided that where a Government servant dies while on departmental leave, his leave salary upto the date of his death, or the last day of such leave with leave salary, whichever is earlier, shall be paid to his heirs.

(7) Departmental leave does not count as duty and such leave with leave salary shall be debited to the leave account as though it were leave on half pay.

(8) Departmental leave may be granted when no leave is due.

(9) Departmental leave may be combined with any other kind of leave which may be due.

(10) (a) When a Government servant to whom these rules apply, holds a post in which the Surveyor General or the Post Master General or the Director of Posts and Telegraphs, as the case may be, (hereinafter in this sub-rule referred to as the authority) considers that he is unlikely to be eligible for departmental leave in future, the authority may, by order in writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave as the authority may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled.

(b) All leave earned after such date shall be credited as due in the Government servant's leave account

and all leave taken after such date, including departmental leave with leave salary, if any, shall be debited in it.

CHAPTER VI—*Study Leave*

50. Conditions for grant of study leave.—(1) Subject to the conditions specified in this Chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted—

- (i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and
- (ii) for the purposes of studies connected with the framework or background of public administration subject to the conditions that—
- (a) the particular study or study tour should be approved by the authority competent to grant leave; and
- (b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave.
- (iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

NOTE.—Applications for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance.

(3) Study leave shall not be granted unless—

- (i) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest;
- (ii) it is for prosecution of studies in subjects other than academic or literary subjects:

Provided that an officer of the Indian Economic Service or Indian Statistical Service may be granted study leave for prosecuting a course of study for obtaining Ph.D. on a research thesis, subject to the conditions that—

- (a) the subject of research and the institution at which such research is to be undertaken are got approved by the Chief Economic Adviser to the Government of India, in case the applicant is a member of the Indian Economic Service, or by the Director, Central Statistical Organisation, in case the applicant is a member of the Indian Statistical Service;
- (b) the applicant obtains a certificate from the said authority to the effect that such study will be valuable in the matter of increasing the efficiency of the officer in the performance of his duties as a member of the Indian Economic Service or the Indian Statistical Service, as the case may be; and

(c) in cases where the study is to be undertaken at a foreign university, the applicant obtains a further certificate that the facilities for research on the particular subject chosen for study are not available at any university or other institution in India:

Provided further that a Medical Officer may be granted study leave for prosecuting a course of post-graduate study in Medical Sciences if the Director General of Health Services certifies to the effect that such study shall be valuable in increasing the efficiency of such medical officer in the performance of his duties.

(iii) The Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave shall not ordinarily be granted to a Government servant—

- (i) who has rendered less than five years' service under the Government;
- (ii) who does not hold a gazetted post under the Government;
- (iii) who is due to retire, or has the option to retire, from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

51. Maximum amount of study leave.—(1) The maximum amount of study leave, which may be granted to a Government servant, shall be—

- (a) ordinarily twelve months at any one time, and
- (b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

52. Applications for study leave.—(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

53. Sanction of study leave.—(1) A report regarding the admissibility of the study leave shall be obtained from the Audit Officer:

Provided that the study leave, if any, already availed of by the Government servant shall be included in the report.

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave provided that where such leave has been granted by an Administrator, the intimation shall be sent through the Ministry concerned.

NOTE.—The Head of the Mission shall be contacted by the Government servant for issue of any letters of introduction or for other similar facilities that may be required.

(4) (a) Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 7 or Form 8, as the case may be, before the study leave or extension of such study leave is granted to him commences.

(b) Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 9 or Form 10, as the case may be, before the study leave or extension of such study leave is granted to him commences.

(c) The authority competent to grant leave shall send to the Audit Officer a certificate to the effect that the Government servant referred to in clause (a) or clause (b) has executed the requisite bond.

(5) (a) On completion of the course of study, the Government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority incharge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

54. Accounting of study leave and combination with leave of other kinds.—(1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave, other than extraordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government servant.

Explanation.—The limit of twenty-eight months of absence prescribed in this sub-rule includes the period of vacation.

(3) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in rule 57 being satisfied, draw study allowance in respect thereof;

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

55. Regulation of study leave extending beyond course of study.—When the course of study falls short of study leave granted to a Government servant, he shall resume duty on the conclusion of the course of

study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

56. Leave salary during study leave.—During study leave, Government servant shall draw leave salary equal to the amount admissible during half pay leave under rule 40.

57. Conditions for grant of study allowance.—(1) A study allowance shall be granted to a Government servant who has been granted study leave, for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection or any special class of work, as well as for the period covered by any examination at the end of the course of study.

(2) Where a Government servant has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part time employment.—

- (a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Government servant, from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible.
- (b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Government servant interrupts his course of study to suit his own convenience:

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Where a Government servant is on study leave at the same place as his place of duty, the leave salary plus the study allowance shall not together exceed the pay that he would have otherwise drawn had he been on duty.

(5) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that:—

- (a) the Government servant attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be; or
- (b) in the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave, as the case may be, that he has continued his studies during the vacation:

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

(6) The period for which study allowance may be granted shall not exceed 24 months in all.

58. Rates of study allowance.—(1) The rates of study allowance shall be as follows:—

| Name of country | Study allowance per diem |
|------------------------------------|--|
| Australia | 12s (Sterling) |
| Continent of Europe | £ 1 (Sterling) |
| India | Half of the full daily allowance to which the Government servant would have been entitled under rules regulating his travelling allowance he were on tour to the place of study. |
| New Zealand | 12s (Sterling) |
| United Kingdom | 16s (Sterling) |
| United States of America | 30s (Sterling) |

(2) The rates of study allowance prescribed in sub-rule (1) may be revised by the Central Government from time to time.

(3) The rates of study allowance to be granted to a Government servant who takes study leave in any country other than the one specified in sub-rule (1) shall be such as may be specially determined by the President in each case.

59. Procedure for payment of study allowance.—(1) Payment of study allowance shall be subject to the furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government servant that he would refund to the Government any overpayment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(3)(a) In the case of a definite course of study at a recognised institution, the study allowance shall be payable by the authority competent to grant leave, if the study leave availed of is in India or in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the Government servant is undergoing study in an educational institution, or at intervals not exceeding three months if he is undergoing study at any other institution.

(4) (a) When the programme of study approved does not include, or does not consist entirely of, such a course of study, the Government servant shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government servant was properly utilised and shall determine accordingly for what periods study allowance may be granted.

60. Admissibility of allowances in addition to study allowances.—No allowance of any kind other than the study allowance shall be admissible to a Government servant in respect of the period of study leave granted to him.

61. Travelling allowance during study leave.—A Government servant to whom study leave has been granted shall not ordinarily be paid travelling allowance but the President may in exceptional circumstances sanction the payment of such allowance.

NOTE.— Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India, may, in exceptional circumstances, sanction the grant of travelling Allowance.

62. Cost of fees for study.—A Government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the President may sanction the grant of such fees:

Provided that in no case shall the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

NOTE.— Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of the cost of fees paid for the study.

63. Resignation or retirement after study leave.—(1) If a Government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund—

- (i) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government of India; and
- (ii) the actual amount, if any, of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study.

together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that nothing in this rule shall apply:—

- (a) to a Government servant who, after return to duty from study leave, is permitted to retire from service on medical grounds; or
- (b) to a Government servant who, after return to duty from study leave, is deputed to serve in any statutory or autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2)(a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the President may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servants.

CHAPTER VII—Miscellaneous

64. Interpretation.—Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India in the Ministry of Finance for decision.

65. Power to relax.—Where any Ministry or Department of Government of India is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Ministry of Finance.

66. Repeal and saving.—(1) On the commencement of these rules, every rule, regulation or order, including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cessation of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of, a Government servant, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.

THE FIRST SCHEDULE

[See rule 3(c)]

Authorities competent to grant leave

| Sl. No. | Kind of leave | Authority competent to grant leave |
|---------|--|--|
| (1) | (2) | (3) |
| I. | Earned leave, Half Pay Leave, Commuted Leave, Leave Not Due, Extraordinary Leave, Maternity Leave, Hospital Leave, Seamen's Leave, Sick Leave. | (i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor General. (iv) Head of Department. (v) Any subordinate authority to which the authority at (i) to (iv) may delegate the power, subject to any condition that may be specified in the delegation. |

NOTE:— If the Government servant is in foreign service,
(i) by the authority which sanctioned the transfer to foreign service;
(ii) by foreign employer—Power is to be exercised only in respect of earned leave other than that applied for as preparatory to retirement, not exceeding 120 days.

| 1) | (2) | (3) |
|--|---|-----|
| NOTE 2: —If the Government servant is serving with a State Government, by the State Government or by such authority as may be specified by that Government. | | |
| 2. Special Disability Leave. | (i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General. (iv) Head of Department. (v) Any other authority which is the appointing authority. | |
| 3. Study Leave. | (i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General. | |

THE SECOND SCHEDULE

[See rule 3(h)]

FORM 1

(See rule 14)

Application for Leave or for Extension of Leave

1. Name of applicant
2. Post held.
3. Department, Office and Section.
4. Pay.
5. House rent and other compensatory allowances drawn in the present post.
6. Nature and period of leave applied for and date from which required.
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave.
8. Grounds on which leave is applied for

FORM 2

(See rule 15)

Form of Leave Account

Name of Government servant
 Date of commencement of continuous service
 Date of quasi-permanent/permanent employment

| Earned leave | | | | | | | | |
|--------------|----|---------------------|------------------------------|--|---------------------|----|----------------|--|
| Duty from | to | period (in days) | leave earned (in days) | leave at credit (in days) columns 4 + 9 subject to appro- priate limit, | leave taken from | to | No. of days | Balance or re- turn from leave (colu- mns (5—8) |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Date of birth

Date of compulsory retirement

Half pay leave (on private affairs and

| Length of service | | | Credit of leave | | Leave taken | | |
|-------------------|----|------------------------|------------------------|---------------------------------|----------------------------------|------|-------------|
| from | to | No. of completed years | leave earned (in days) | leave at credit (columns 13+30) | against the earning on half pay. | from | No. of days |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |

..... on medical certificate, including commuted leave and leave not due)

Leave

| Commutted leave on Medical Certificate on full pay (limited to 240 days in entire service) | | | Commutted leave converted into half pay leave (twice of column 20) | Leave not due limited to 360 days in On Medical Certificate | | |
|--|----|-------------|--|---|-------------|----|
| from | to | No. of days | from | to | No. of days | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |

| taken | entire service | Total Half pay leave taken (Columns 17+21+28) | | Balance on return from leave (columns 14-29) | Other kinds of leave taken | | | | |
|-------|----------------|---|----|--|----------------------------|----|----|----|----|
| from | to | No. of days | 25 | 26 | 27 | 28 | 29 | 30 | 31 |

NOTE 1:— Period of extraordinary leave taken should be noted in red ink in column 31.

NOTE 2:— The entries in columns 10 and 11 should indicate only the beginning and end of completed year of service at the time the half pay leave commences. Where a Government servant completes another year of service while on half pay leave, the extra credit should be shown in columns 10 to 14 by making suitable additional entries and this should be taken into account when completing column 30.

NOTE 3:— When a Government servant is transferred from service to any place outside India, a separate subsidiary leave account should be opened in this Form in order to find out the amount of leave earned in respect of such service for the purpose of exemption of the leave salary drawn outside India for the recovery of income tax at source.

FORM 3

(See rule 18)

Medical Certificate for Gazetted Officers recommended leave or Extension of leave or commutation of leave.

(a) If the Government servant is not stationed in a place covered by the Central Government Health Scheme.

Statement of the case of

Name (to be filled in by the applicant in the presence of the Civil Surgeon or Staff Surgeon or Authorised Medical Attendant).

Appointment held.....

Age

Total service.....

Previous periods of leave of absence on medical certificate.....

Habits.....

Disease.....

I..... Civil Surgeon/Staff Surgeon/
Medical Officer of after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari..... is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his/her health and recommend that he/she may be granted leave for..... with effect from.....
*In my opinion it is/it is not necessary for the officer to appear before a Medical Board.

Dated..... Civil Surgeon/Staff Surgeon/
Authorised Medical Attendant.

(b) If the Government servant is stationed in a place covered by the Central Government Health Scheme.

Signature of the Government servant.....

I..... after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari..... whose signature is given above, is suffering from and I consider that a period of absence from duty of..... with effect from..... is absolutely necessary for the restoration of his/her health.

*In my opinion, it is/it is not necessary for the Government servant to appear before a Medical Board.

Civil Surgeon/Staff Surgeon/
Authorised Medical Attendant

Dated..... Dispensary.

NOTE 1.—Where the period of leave initially recommended, or the period of leave initially recommended together with any extension thereof subsequently recommended, does not exceed two months, the Medical Officer should invariably certify whether in his opinion it is or it is not necessary for the Government servant to appear before a Medical Board.

NOTE 2—This form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his/her fitness for service.

NOTE 3.—No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

*This sentence should either be modified by scoring out the irrelevant words or altogether scored out according as the period of leave recommended is upto two months or exceeds that period.

FORM 4

(See Rule 19)

Medical Certificate for non-gazetted officers recommended leave or extension of leave or Commutation of leave

Signature of Government servant

I..... after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari..... whose signature is given above, is suffering from and I consider that a period of absence from duty of..... with effect from..... is absolutely necessary for the restoration of his/her health.

Authorised Medical Attendant..... Hospital/Dispensary
or other Registered Medical Practitioner.

Dated.....

NOTE.—The nature and probable duration of the illness should be specified.

NOTE 2.—This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

NOTE 3.—Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Civil Surgeon or Staff Surgeon who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a medical officer nominated by himself.

NOTE 4.—No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

FORM 5

(See rule 24 (3))

Medical Certificate of Fitness to return to duty

Signature of Government servant.....

We, the member of Medical Board..... Civil Surgeon/Staff Surgeon,..... Authorised Medical Attendant, of..... Registered Medical Practitioner do hereby certify that we/I have carefully examined Shri/Shrimati/Kumari..... whose signature is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. We/I also certify that before arriving at this decision, we/I have examined the original medical certificate(s) and statement(s) of the case (or

certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at out/my decision.

Member of Medical Board
(1)
(2)
(3)

Civil Surgeon/Staff
Surgeon Authorised Medical
Attendant Registered Medical
Practitioner

Dated.....

NOTE.—The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

FORM 6

(See rule 32(3)

Bond for temporary Government servants granted Extraordinary leave in Relaxation of rule 32(2) (e) for Study.

KNOW ALL MEN BY THESE PRESENTS THAT WE..... resident of in the District of at present employed as in the Ministry/Office of (hereinafter called "the Obligor") and Shri/Shrimati/Kumari..... son/daughter of of and Shri/Shrimati/Kumari son/daughter of of (hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the President of India, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loan or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Government has, at the request of the above-bounden Shri/Shrimati/Kumari..... employed as a granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of months.... days with effect from..... in order to enable him/her to study at.....

AND WHEREAS, the Government has appointed/will have to appoint a substitute to perform the duties of..... during the period of absence of Shri/Shrimati/Kumari..... on extraordinary leave:

AND WHEREAS for the better protection of the Government, the obligor has agreed to execute this bond with two sureties with such condition as hereunder written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the bounden.....

NOW the CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT IN THE EVENT OF THE ABOVE BOUNDEN SHRI/SRIMATI/KUMARI failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him/her and serve the Government after rejoining

for such period not exceeding a period of years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he/she would be entitled under the rules the said Shri/Shrimati/Kumari..... or his/her heirs, executors and administrators shall forthwith pay to the Government on demand the said sum of Rs. together with interest thereon from the date of demand at Government rates for the time being in force on Government loans

AND upon the obligor Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue.

PROVIDED always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari..... and Shri/Shrimati/Kumari..... or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this day of one thousand nine hundred and

Signed and delivered by the obligor
above-named Shri/Shrimati/Kumari
.... in the presence of

Witnesses 1

2

Signed and delivered by the surety
above-named Shri/Shrimati/Kumari
.... in the presence of

Witnesses 1

2

Signed and delivered by the surety
above-named Shri/Shrimati/Kumari
.... in the presence of

Witnesses 1

2

Accepted.
..... for and on behalf of the President of India.

FORM 7
(See rule 53(4)

Bond to be Executed by a Government Servant in Permanent Employ, when proceeding on study leave.

KNOW ALL MEN BY THESE PRESENTS THAT I.. resident of..... in the District of..... at present employed as in the Ministry/Office of do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called the Government) on demand the sum of Rs. (Rupees only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a

country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I.....am granted study leave by Government:

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written:

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my resigning or retiring from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon my making such payment the above written obligations shall be void and of no effect, otherwise shall be and remain in full force and virtue.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of.....
one thousand nine hundred and.....

Signed and delivered by.....

in the presence of.....

Witnesses 1.....
2.....

Accepted

for and on behalf of the
President of India.

FORM 8

[See rule 53(4)]

Bond to be executed by a Government Servant in Permanent Employ, when granted Extension of Study Leave

KNOW ALL MEN BY THESE PRESENTS THAT I, resident of.....in the District of.....at present employed as.....in the Ministry/Office of.....do hereby bind myself and my heirs, executors and administrators to the President of India (hereinafter called "the Government") on demand the sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand of Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I.....was granted study leave by Government for the period fromto.....in consideration of which I executed a bond dated.....for Rs.....(Rupees.....only) in favour of the President of India:

AND WHEREAS the extension of study leave has been granted to me at my request until.....

AND WHEREAS for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written:

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my resigning or retiring from service without returning to duty after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue. The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this.....day of.....
one thousand nine hundred and.....

Signed and delivered by.....
.....in the presence of.....

Witnesses 1.....
2.....

Accepted.
for and on behalf of ..
the President of India.

FORM 9

(See rule 53(4)]

Bond to be executed by a Government Servant not in Permanent Employ, when Proceeding on Study Leave

KNOW ALL MEN BY THESE PRESENTS THAT WE.....resident of.....in the District of.....at present employed as.....in the Ministry/Office of.....(hereinafter called "the obligor") and Shri/Shrimati/Kumari.....son/daughter of.....and Shri/Shrimati/Kumari.....son/daughter of.....(hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs.....(Rupees.....only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the obligor is granted study leave by the Government:

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder is written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri/Shrimati/Kumari..... resigning from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the obligor Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari..... and Shri/Shrimati/Kumari..... or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this..... day of.....
..... one thousand nine hundred and.....

Signed and delivered by the obligor
above-named Shri/Shrimati/Kumari.....
in the presence of.....

Witnesses 1

2

Signed and delivered by the surety
above-named Shri/Shrimati/Kumari.....
in the presence of.....

Witnesses 1

2

Signed and delivered by the surety
above-named Shri/Shrimati/Kumari.....
in the presence of.....

Witnesses 1

2

Accepted.

for and on behalf of the
President of India.

FORM 1^b

(See rule 53(4)]

Bond to be executed by a Government Servant not
in Permanent Employment when granted Extension of
Study Leave

KNOW ALL MEN BY THESE PRESENTS THAT WE
..... resident of..... in the

District of..... at present employed as in the Ministry/Office of..... (hereinafter called "the obligor") and Shri/Shrimati/Kumari..... son/daughter of..... of..... and Shri/Shrimati/Kumari..... son/daughter of..... of..... (hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the obligor was granted study leave by the Government for the period from..... to..... in consideration of which he executed a bond dated..... for Rs..... (Rupees..... only) in favour of the President of India:

AND WHEREAS the extension of study leave has been granted to the obligor at his request until.....

AND WHEREAS for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder is written:

AND WHEREAS the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.....

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the obligor Shri/Shrimati/Kumari..... resigning from service without returning to duty after the expiry or termination of the period of study leave so extended or at any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs..... (Rupees..... only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... and, or Shri/Shrimati/Kumari..... the sureties aforesaid making such payment the above written obligation shall be valid and of no effect otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari..... and Shri/Shrimati/Kumari..... or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

The Government of India have agreed to bear the stamp duty payable on this bond.

Signed and dated this day of one thousand nine hundred and

Signed and delivered by the obligor above-named Shri/Shrimati/Kumari, in the presence of

Witnesses 1

2

Signed and delivered by the surety above-named Shri/Shrimati/Kumari, in the presence of

Witnesses 1

2

Signed and delivered by the surety above-named Shri/Shrimati/Kumari, in the presence of

Witnesses 1

2

Accepted.
for and on behalf of
the President of India

[No. F. 16(5)-E.IV(A)/70.]

S. P. MAHNA, Dy. Secy.

(Department of Banking)

New Delhi, the 16th February 1972

S.O. 941.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that till the 1st August, 1972, the provisions of section 10B of the said Act shall not apply to the Bari Doab Bank Ltd., Hoshiarpur.

[No. F. 16(1)-BC/71-I.]

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 16 फरवरी, 1972

एस०ओ० 941.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10वां) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उक्त अधिनियम की धारा 10 के उपबन्ध पहली अगस्त, 1972 तक बारी दोश्राब बैंक लिमिटेड, होशियारपुर पर लागू नहीं होंगे।

[संख्या एफ० 16(1)-बी० सी०/71-I.]

S.O. 942.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sections 10A and 10B of the said Act shall not apply to the Jharia Industrial Bank (Private) Ltd. Jharia, Bihar.

[No. F. 16(1)-BC/71-II.]

K. YESURATNAM, Under Secy

एस०ओ० 942.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10वां), की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उक्त अधिनियम की धारा 10 के और 10 खंड के उपबन्ध ज़रिया इण्डस्ट्रियल बैंक (प्रावेंटेट) लिमिटेड, ज़रिया, बिहार पर लागू नहीं होंगे।

[स० एफ० 16(1)-बी० सी०/71-II]

के०येसुरत्नम्, अवर सचिव।

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 28th March 1972

S.O. 943.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Bhubaneswar, in the industrial dispute between the employers in relation to the management of Messrs. Bisra Stone Lime Company Limited, Post Office, Birmitrapur, District Sundergarh (Orissa) and their workmen, which was received by the Central Government on the 20th March, 1972.

INDUSTRIAL TRIBUNAL, BHUBANESWAR.

PRESENT:

Shri B. R. Rao, B.L., Presiding Officer, Industrial Tribunal, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 4 OF 1971 (CENTRAL)

Bhubaneswar, the 13th March, 1972.

BETWEEN:

The employers in relation to the management of
Messrs. Bisra Stone Lime Company Limited,
Post Office Birmitrapur, District Sundergarh
(Orissa)—First Party.

AND

Their Workmen—Second Party

APPEARANCES:

Shri T. C. Patnaik, Chief Personnel Officer, M/s. Bisra Stone Lime Company Limited—for the First Party.

Shri G. Topo, Vice President, Gangpur Labour Union,—For the Second Party.

Sri K. N. Pathak, Joint Secretary, Gangpur Labour Union

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by their Order dated 12.2.1971 constituted me as Presiding Officer, Industrial Tribunal with Headquarters at Bhubaneswar and referred the following dispute to for adjudication,

“Whether the action of the management of Messrs. Bisra Stone Lime Company Limited, Post Office Birmitrapur, District Sundergarh (Orissa) in retiring the undermentioned workmen with effect from the dates shown against them was unjustified? If so, to what relief the workmen are entitled?

1. Shri Obed Horo—17th September, 1970.

2. Shri Sheikh Ansari—27th September, 1970.

3. Shri Keshrimal Sarogi—17th September, 1970.
 4. Shri Paulus Lakra—17th September, 1970."

2. Both parties filed written-statements in support of their respective cases. It is not necessary to state the contents thereof. Before the hearing was taken up the parties filed a settlement and prayed for passing an award in terms thereof. The terms of the settlement were read over and explained to them and admitted to be correct. I accept the settlement as bona-fide.

3. Hence I pass this Award in terms of the settlement so far as the terms relate to the dispute. The settlement do form part of this Award.

B. R. RAO,
 Presiding Officer, Industrial Tribunal,
 Bhubaneswar.

Dictated & corrected by me.

(Sd.) B. R. RAO,
 Presiding Officer, Industrial Tribunal.
BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ORISSA

In the matter of
 INDUSTRIAL DISPUTE CASE NO. 4 OF VTGV (CENTRAL)

AND

In the matter of

Order of reference No. 12(38)/70-LR-IV dated 12th February 1971 made by Government of India, Ministry of Labour and Employment.

AND

In the matter of

An Industrial Dispute

BETWEEN:

Messrs. Bisra Stone Lime Company Limited, P.O. Birmitrapur, District Sundargarh, Orissa.

AND

Their Workmen represented by Gangpur Labour Union, P.O. Birmitrapur, District Sundargarh, Orissa.

The humble petition of the Management of Messrs. Bisra Stone Lime Company Limited and their workmen most respectfully Sheweth:

1. That the following dispute was referred for adjudication by the Central Government in the Ministry of Labour, Employment and Rehabilitation on the 12th February, 1971:—

"Whether the action of the Management of M/s. Bisra Stone Lime Co. Ltd., P.O. Birmitrapur, District Sundargarh (Orissa) in retiring the under-mentioned workmen with effect from the dates shown against them was unjustified? If so, to what relief the workmen are entitled?

- 1. Shri Obed Horo—17th September, 1970.
- 2. Shri Sheikh Ansari—27th September, 1970.
- 3. Shri Keshrimal Sarogi—17th September, 1970.
- 4. Shri Paulus Lakra—17th September, 1970."

2. The case is now pending or hearing before the Hon'ble Tribunal.

3. That the representatives of the Parties above-named discussed at length between themselves the matter and arrived at an amicable Settlement regarding the said issues.

Terms of Settlement

4. The Parties agreed that the workmen concerned will be deemed to have been retired on the dates mentioned in their retirement letters.

5. In consideration of the Union's request the management, as a gesture of goodwill, and in the interest of good management-employee relationship agrees to pay to the four retired persons ex-gratia amount

in addition to the gratuity, as mentioned against each in full settlement of the claim:—

| S.No. | Name | Gratuity already sanctioned | Ex-gratia Payment |
|-------|----------------------------|-----------------------------|-------------------|
| | | Rs. P. | Rs. P. |
| 1. | Sri Keshrimal Sarogi . . . | 1,683.40 | 2,525.10 |
| 2. | Sri Seikh Ansari . . . | 970.60 | 1,455.90 |
| 3. | Sri Obed Horo . . . | 2,598.00 | 3,897.00 |
| 4. | Sri Paulus Lakra . . . | 2,392.20 | 3,588.30 |

6. The Parties hereto are desirous of recording the aforesaid terms before this Honourable Tribunal and to get an award in terms of the agreed terms of Settlement, aforesaid.

7. In the circumstances your petitioners humble pray that your honour would be graciously pleased to accept the Settlement between the Parties as recorded in this petition and make an award in accordance with the agreed terms mentioned in Paragraph 4 and 5 hereof.

And for this the petitioners above named shall ever pray.

Dated the
 6th March, 1972.

For the Workmen
 For the Gangpur Labour Union & For Bisra Stone Lime Co. Ltd.

| | |
|-------------------------|--------------------------------------|
| 1. (Sd.) (B.K. MAHANTI) | 1. (Sd.) (R.S. SASTRY) |
| GENERAL SECRETARY | SUPERINTENDENT MINES AND QUARRIES |
| 2. (Sd.) (K.N. PATHAK) | 2. (Sd.) (T.C. PATNAIK) |
| JOINT SECRETARY | CHIEF PERSONNEL OFFICER |
| 3. (Sd.) (G.TOPPO) | |
| VICE PRESIDENT | |

Made part of the Award.

(Sd.) B. R. RAO,
 Presiding Officer, Industrial Tribunal,
 Bhubneswar.

Witnesses.—

1. (Sd.) Illegible.

[No. 12(38)/70-LR-IV].

2.

3.

4.

S.O. —In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 2) Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Parshva Properties Limited, Post Office Dalmianagar—Shahabad and their workmen, which was received by the Central Government on the 18th March, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

PRESENT

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 57 OF 1971

In the matter of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the management of Messrs Parshva Properties Limited, Post Office Dalmianagar, Shahabad.

AND

Their workmen.

APPEARANCES:

On behalf of the employers—Shri Adishwar Prasad Jain, Administrative Officer.

On behalf of the workmen—Shri Mangal Prasad, General Secretary, Rohtas Quarries Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Limestone quarry.

Dhanbad, 15th March 1972, 25th Phalgun, 1893 Saka.

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Parshva Properties Limited, Post Office Dalmianagar, Shahabad and their workmen, by its order No. L-29012/7/71-LRIV dated 3rd May, 1971 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the action of the management of Messrs. Parshva Properties Limited, Post Office Dalmianagar, Shahabad, in terminating the services of Shri Ram Naresh, Carrier of No. 23 Pit of Pipradih Quarries, with effect from the 15th September, 1970, is justified? If not, to what relief is the workman entitled?"

2. The workmen were represented by Shri Mangal Prasad, General Secretary, Rohtas Quarries Mazdoor Sangh Roira, Pipradih, P.O. Pararia, Distt. Shahabad and the employers by Shri Adishwar Prasad Jain, Administrative Officer. Parties filed statement of demands. On 25th January, 1972 parties filed a joint application reporting negotiations for compromise and on 8th March, 1972 they filed a compromise memo and it was duly verified. Having gone through the terms of compromise I find them beneficial to the workmen in general and the affected workman in particular. The compromise is, therefore, accepted and the award is made in terms of the compromise. The compromise memo is annexed herewith and is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer.

Central Govt. Industrial Tribunal
(No. 2), Dhanbad.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 57 OF 1971

Employers in relation to the management of M/s. Parshva Properties Ltd., Dalmianagar

AND

Their workmen.

Memorandum of settlement arrived at between the management of M/s. Parshva Properties Ltd., Dalmianagar and their workmen, Shri Ram Naresh represented by Rohtas Quarries Mazdoor Sangh, Pipradih, in connection with the dispute under Reference No. 57 of 1971 before the Central Government Industrial Tribunal (No. 2), Dhanbad.

Representing the management—Shri Adishwar Prasad Jain, Administrative Officer, Parshva Properties Ltd., Dalmianagar.

Representing the workmen—

Shri Mangal Prasad, General Secretary, Rohtas Quarries Mazdoor Sangh, Pipradih.

Short recital of the case.

Whereas the management of M/s. Parshva Properties Ltd., Dalmianagar (hereinafter known as the 'Company') terminated the service of Shri Ram Naresh, Carrier of Pit No. 28, Katuduar Section of the Pipradih Lime Stone Quarries (hereinafter known as the

'Workman') with effect from 25th August, 1970 on account of long absence without leave;

And whereas the said termination became the subject matter of an Industrial Dispute registered as Reference No. 57 of 1971 before the Central Government Industrial Tribunal (No. 2), Dhanbad;

And whereas during the course of hearing of the said Dispute before the Hon'ble Industrial Tribunal as a gesture of good will and ensuing better Industrial relations the management and the Union negotiated themselves to arrive at a mutually agreed settlement of the said Dispute;

Now, therefore, it is hereby agreed between the parties as follows:—

Terms of settlement

1. That Shri Ram Naresh, Carrier, aforesaid, will be reinstated on his previous job and post in the same category with the same terms and conditions of employment and benefits he was enjoying at the time of the termination of his service. He will be allowed to resume his duties with effect from 16th March, 1972.

2. That Shri Ram Naresh shall not be entitled for any wage or leave wages or any other benefits for the intervening period from 25th August, 1970 to 15th March, 1972.

3. That the settlement fully and finally resolves the Dispute forming the subject matter of Reference No. 57 of 1971 pending before the Central Government Industrial Tribunal (No. 2), Dhanbad.

The parties to this settlement have affixed their signatures in token thereof at Dhanbad, this 8th day of March, 1972.

For Parshva Properties Ltd., Dalmianagar.

For Rohtas Quarries Mazdoor Sangh, Pipradih

(Sd.) ADISHWAR PRASAD JAIN, Administrative Officer and Authorised Representative.

(Sd.) MANGAL PRASAD, General Secy. and Authorised Representative of the workman,
Sri Ram Naresh.

[No. L-29012/7/71-LRIV.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 28th March 1972

S.O. 945.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on the 22nd March, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Employers in Relation to the Management of the Bank of Baroda

REFERENCE NO. CGIT-2/12 OF 1970

AND

Their Workmen

PRESENT:

Shri N. K. Vanl Presiding Officer.

APPEARANCES:

For the Employees—(i) Dr. J. K. Bose, Ph.D. (Lond.), Labour Adviser; (ii) Shri S. Sen-gupta, Personnel Officer.

For the workmen—(i) Shri Dilip Kumar Das Gupta, Advocate; (ii) Shri Sukumar Chaudhury, Labour Adviser.

INDUSTRY: Banks. STATE—West Bengal.

Bombay, the 14th March, 1972

AWARD

By order No. 23/58/69/LRIII dated the 7-10-1970 the Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of the Bank of Baroda and their workmen in respect of the matters specified in the schedule as mentioned below:—

"SCHEDULE

"Whether the management of Bank of Baroda are justified in excluding the period of service rendered by the workmen of the Hindu Bank Limited, New Citizen Bank and the Tamilnad Banking Corporation under the said Banks for the purpose of payment of Diamond Jubilee Bonus declared by the Bank of Baroda in 1968? If not, to what relief are the workmen entitled?"

2. On 17-4-1971, the Secretary, the Bank of Baroda Ltd., Calcutta Staff Association, Calcutta-1 wrote a letter to the Under Secretary to the Government of India, Department of Labour and Employment as mentioned below for making amendment in the Schedule mentioned above:—

"Sub: Amendment to the Schedule of Order dated 7th October, 1970 regarding an industrial dispute between the employers in relation to the management of the Bank of Baroda and their workmen.

Ref. Your No. 23/58/69/LRIII dated 7th Oct. 1970.

"With reference to above, we beg to submit as under:

That it is seen from the Order of the Reference in Schedule that the HIND BANK LIMITED was inadvertently inserted as 'HINDU BANK LIMITED'. As the Hind Bank Limited was amalgamated with the Bank of Baroda Limited (since nationalisation, it is called Bank of Baroda), the name of Hindu Bank Limited, requires amendment so as to read as HIND BANK LIMITED.

In view of foregoing, it is prayed that necessary amendment in the Order of Reference may kindly be effected and necessary advice may kindly be forwarded to all concerned and/or your goodself may pass such other order/s as your honour may deem fit and proper."

3. On 21-4-1971, the Secretary of the same Association moved the Under Secretary to the Government of India, Department of Labour and Employment for making further amendment in the Schedule as mentioned below:—

"Sub: Amendment to the Schedule of Order dated 7th October, 1970 regarding an industrial dispute between the employers in relation to the management of the Bank of Baroda and their workmen.

Ref. Your No. 23/58/69/LRIII dt. 7-10-1970.

With reference to above, we beg to submit as under:—

That it is seen from the Order of the reference in Schedule that the TAMILNAD CENTRAL BANK LTD. was inadvertently inserted as TAMILNAD BANKING CORPORATION. As the Hind Bank Limited as amalgamated with the Bank of Baroda Limited (since nationalisation it is called 'Bank of Baroda'), the name of Tamilnad Banking Corporation requires amendment so as to read as TAMILNAD CENTRAL BANK LTD.

In view of foregoing, it is prayed that necessary amendment in the order of Reference may kindly be effected and necessary advice may kindly be forwarded to all concerned and/or your goodself may pass such other order(s) as your honour may deem fit and proper."

4. In pursuance of letter dated 17-4-1971, the Government of India, issued corrigendum dated 24-4-1971 as mentioned below:

"S.O. —In the Schedule to the Order of the Government of India, Ministry of Labour Employment and Rehabilitation (Department of Labour and Employment) S.O. 3464, dated the 7th October, 1970, published in Part II Section 5, sub-section (ii) of the Gazette of India, dated the 24th October, 1970, for the words 'Hindu Bank Limited' read 'Hind Bank Limited.'

5. In pursuance of letter dated 21-4-1971 the Government of India issued further corrigendum dated 26-8-1971 as mentioned below:—

"S.O. —In the Schedule to the Order of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. 3464, dated the 7th October, 1970, published in Part II Section 3, sub-section (ii) of the Gazette of India, dated the 24th October, 1970, for the words 'Tamilnad Banking Corporation' read 'Tamilnad Central Bank Limited.'

6. In view of the above mentioned corrigendum the original Schedule stands amended as mentioned below:—

"SCHEDULE

Whether the management of Bank of Baroda are justified in excluding the period of service rendered by the workmen of the Hindu Bank Limited, New Citizen Bank and the Tamilnad Central Bank Limited under the said Banks for the purpose of payment of Diamond Jubilee Bonus declared by the Bank of Baroda in 1968? If not, to what relief are the workmen entitled?"

7. The facts giving rise to this reference are as follows:—

8. The Bank of Baroda completed 60 years on 20-7-1968. In commemoration of the Diamond Jubilee of the Bank, the Board of Directors sanctioned ex-gratia Bonus on certain terms and conditions as mentioned in the Circular dated 22-11-1968.

9. That circular is as follows:—

"To

All Branches in India,
Re:—Diamond Jubilee of the Bank—Ex-gratia Bonus

You are aware that our Bank has completed 60 years on the 20th July, 1968. In commemoration of the Diamond Jubilee of the Bank, the Board of Directors are pleased to sanction ex-gratia Bonus on the following basis and

subject to the conditions stated as under:—

- (1) The *ex-gratia* Bonus will be equivalent to one day's basic salary for each completed year of service in the Bank of Baroda Limited as on 20th July, 1968 subject to a minimum Bonus of 15 (fifteen) days basic salary. Only completed years of service will be considered and part of the year shall not be counted. For this purpose the term 'basic salary' will include Special Allowances and Officiating Allowance, if any, but no other allowance of any kind.
- (2) The Bonus will be payable to those employees who are permanent and in the Bank's service on the 20th July, 1968. Employees who fulfill this condition will be eligible for the minimum Bonus even though they may not have completed one completed year of service as on 20th July, 1968.
- (3) The Bonus shall be calculated on the basic salary payable on the 20th July, 1968. A day's salary shall be calculated on the basis of a month of 30 (thirty) days.
- (4) Those who have resigned from the Bank's service whether before or after the 20th July, 1968 will not be eligible for such Bonus.
- (5) Those employees who have retired before 20th July, 1968 will not be eligible for such Bonus.
- (6) For calculating completed years of service as on 20th July, 1968 continuous service actually put in the Bank of Baroda Limited will alone be considered, and service in any other Bank prior to amalgamation with the Bank of Baroda Limited will not be counted.
- (7) Such employees whose terms of service exclude payment of any Bonus shall also be eligible for this *ex-gratia* Bonus.

We enclose two copies of a circular for the information of the employees. One copy of this circular should be exhibited on the notice Board of your Branch/Office and the other may be kept for your record.

Please pay the Bonus to the employees of your Branch/Office on the terms and conditions mentioned above, during the period 3rd to 6th December, 1968, both days inclusive. The total amount of the Bonus paid should be debited to a special account to be opened in your profit and loss account Ledger styled as 'Ex-gratia Diamond Jubilee Bonus Account'. A full statement in duplicate as per proforma attached should be sent to Head Office within a week from the date of payment of the Bonus.

Please note that part-time employees including job workers at your Branch/Office may also be paid this Bonus, if they fulfil the conditions mentioned above."

10. After the receipt of the above mentioned circular, the Secretary of the Bank of Baroda Ltd., Calcutta Staff Association made representation to the Chairman of the Bank by his letter dated 27-11-1968, Ex.12/W making a grievance for not taking into consideration the past service of the ex-Hindu Bank employees and taking into consideration only the service put in the Bank of Baroda Limited for giving Diamond Jubilee Bonus. Even after this letter further correspondence was done with the Bank but it did not consider the demand of the ex-Hindu Bank employees. Hence the Association raised an industrial dispute before the Regional Labour Commissioner (C), Calcutta. He made his efforts to bring about

conciliation between the parties but in vain. He ultimately submitted his failure of conciliation report to the Secretary to the Government of India on 29-4-1969. On receipt of this report the Government of India referred this dispute to this Tribunal for adjudication.

11. On receipt of the reference in this Tribunal notices were issued to the parties to file written statements. In pursuance of this notice both the parties have filed their written statements.

12. The Secretary of the Bank of Baroda Ltd. Calcutta Staff Association has filed written statement at Ex. 1/W.

13. According to him:—

(i) The Bank of Baroda Limited (after nationalisation called 'Bank of Baroda') completed 60 years of its existence in 1968. To celebrate the occasion the management of the Bank declared a Diamond Jubilee Bonus to the members of staff which was to be paid in the manner laid down in its circular dated 22-11-1968.

(ii) In para. 6 of the aforementioned circular, the following direction was given:

'For calculating completed years of service as on 20th July, 1968 continuous service actually put in the Bank of Baroda Limited will alone be considered and service in any other Bank prior to amalgamation with the Bank of Baroda Limited will not be counted.'

(iii) The employees to be covered by this definition in Eastern (Calcutta) Region are the employees of ex-Hindu Bank Limited who were taken over by the Bank of Baroda Limited by a Scheme of Amalgamation entered into in the month of August, 1958. In terms of clause 11(a) and 11(c) of the said Scheme of Amalgamation the services of the employees of erstwhile Hind Bank Limited were taken over by the Bank of Baroda Limited on the basis that their services have been continuous and have not been interrupted by the transfer.

(iv) In practice also, since the merger, the employees of erstwhile Hind Bank Limited and those of Bank of Baroda Limited were treated equally and at par in all respects in the matter of seniority, promotion and other conditions of service. After the merger, the Bank of Baroda Limited celebrated its Golden Jubilee in December, 1958 and on that occasion also same Jubilee Bonus was paid to the employees of erstwhile Hind Bank Limited and those of Bank of Baroda Limited. In the matter of payment of the Jubilee Bonus i.e. the Golden Jubilee Bonus made in December 1958 no such discrimination was made and the payments were made equitably and in terms of the Scheme of Amalgamation referred to above.

(v) It would appear that as per terms and conditions of service applicable to the employees of erstwhile Hind Bank Limited the basis of payment of Diamond Jubilee Bonus stipulated by the management was unfair, discrimination between the workmen and workmen and also in violation of the terms of Amalgamation.

(vi) Should such discrimination be allowed to be made by the management it would result in division and disunity amongst the workmen and thus any such act would be unfair labour practice.

14. The Joint General Manager (Foreign & Personnel) Shri C. P. Shah has filed written statement for and on behalf of the Bank of Baroda at Ex.2/E.

15. According to him:—

- (i) The subject matter of the reference being an *ex-gratia* payment in the nature of a gift or bounty cannot constitute or give rise to an industrial dispute and the reference therefore is bad in law and vests no jurisdiction in this Tribunal.
- (ii) The Bank of Baroda Ltd., declared *ex-gratia* Bonus to the members of the staff which was paid as per rules in that behalf laid down in PD/Circular No. 22 of 1968 dated 22-11-1968.
- (iii) On completion of 60 years of its existence on 27-7-1968 the Bank of Baroda Limited (hereinafter referred to as the Bank) declared in commemoration of its Diamond Jubilee Bonus to its employees in terms of the Resolution of the Board of Directors dated 14.11.1968. The terms of conditions under which this Bonus was payable to the employees were announced to the staff by the Bank's PD Circular No. 21 dated 22-11-1968. This circular in terms states that the Directors have sanctioned *ex-gratia* Diamond Jubilee Bonus at the rate of one day's salary for each completed year of service as on 20th July, 1968, subject to a minimum of 15 days basic salary. Clause 6 of this circular stipulated that continuous service actually put in the then Bank of Baroda Ltd. would alone be considered and service in any other Bank prior to amalgamation with the Bank of Baroda Ltd., would not be counted.
- (iv) The Resolution of the Board of Directors clearly states that the Bonus payment was *ex-gratia*. The same Resolution also lays down the restriction disputed by the employees as regards eligibility.
- (v) A gift cannot be claimed either as a term of employment or as a condition of service or as a matter of right. The employees have either to accept or to reject the Bonus made available to them by the circular dated 22-11-1968, on the terms and conditions regarding eligibility or otherwise as laid down in the circular. The employees would not be justified in accepting the part regarding eligibility. In any case, this Tribunal may not permit the employees to approbate and reprobate in this matter.
- (vi) The Bank's scheme for payment of the Diamond Jubilee Bonus cannot be assailed as being unfair, unjust or discriminatory as contended by the Calcutta Staff Association. In any event the decision of the Bank to make this gift on the basis of continuous service with this Bank is fully justified.
- (vii) The Bank is fully justified in deciding not to regard the full period of service of the employees prior to amalgamation and restrict the quantum of the reward in respect of the ex-Hind Bank employees to their actual period of service only with the then Bank of Baroda Ltd. The occasion for the celebration was the Diamond Jubilee of the Bank of Baroda and it is only fair and proper that service in the Bank of Baroda only is considered. This principle is also applicable to the employees of other Banks which were taken over by the then Bank of Baroda Ltd., between the years 1958 to 1964 which also includes the New Citizen Bank of India Ltd. and Tamil Nadu Banking Corporation Ltd.
- (viii) The fact that the Golden Jubilee Bonus declared in 1958 was then paid to all members of the staff including the section of employees concerned in this reference viz., ex-Hind Bank employees cannot be said to constitute any

precedent for not claiming the Diamond Jubilee Bonus which is *ex-gratia* and therefore a gift.

16. On the date of hearing of this reference at Calcutta both the parties adduced evidence in the beginning on preliminary point. Immediately thereafter they adduced evidence both oral and documentary on merit.

17. On preliminary point, Shri Ajit Shankar Bhattacharyya, Agent gave evidence on behalf of the Bank at Ex.6/E, and produced documents Exhibits 7/E, 8/E and 9/E.

18. Shri Dinendra Nath Biswas, a clerk in Bank of Baroda has given evidence on behalf of the Association at Ex.11/W and produced documents Exhibits 12/W to 20/W.

19. Shri Jibin Mitra, Special Assistant in Bank of Baroda has given evidence on behalf of the Association at Ex.21/W on merit. He has produced documents at Ex.22/W. Shri Dinendra Nath Biswas has given further evidence on merit on behalf of the Association at Ex.23/W.

20. Shri Ajit Shankar Bhattacharyya, Agent has given further evidence on merit on behalf of the Bank at Ex.24/E. He has produced document Ex.25/E.

21. From the pleadings and arguments advanced before me the following points arise for decision in this reference.

- (i) Whether the Tribunal has got jurisdiction to entertain this reference?
- (ii) Whether the reference is tenable?
- (iii) Whether the management of Bank of Baroda are justified in excluding the period of service rendered by the workmen of the Hind Bank Limited, New Citizen Bank and the Tamilnad Central Bank Limited under the said Banks for the purpose of payment of Diamond Jubilee Bonus declared by the Bank of Baroda in 1968?
- (iv) If not, to what relief are the workmen entitled?
- (v) What order?

22. My findings are as follows:—

- (i) Yes.
- (ii) Yes.
- (iii) No in respect of employees of ex-Hind Bank Ltd. No finding is recorded in respect of employees of ex-New Citizen Bank and ex-Tamilnad Central Bank Ltd.
- (iv) As mentioned in the judgement.
- (v) As per order.

Reasons

Point Nos. i and ii

23. It is contended on behalf of the Bank in para. 1 of Ex.2/E that the subject matter of the reference being an *ex-gratia* payment in the nature of a gift or bounty cannot constitute or give rise to an industrial dispute and on account of this the reference is bad in law and vests no jurisdiction Tribunal. This contention is misconceived.

24. It is common ground that as the Bank of Baroda Limited completed 60 years on 27-7-1968, the Board of Directors sanctioned *ex-gratia* bonus which was to be paid on certain terms and conditions as mentioned in Circular dated 22-11-1968 referred to in Para 9 above. There can be therefore no doubt that the Bank of Baroda decided to give *ex-gratia* bonus to its staff.

25. It appears from the evidence of Shri Dinendra Nath Biswas, Ex.11/W that Hind Bank Limited amalgamated with the Bank of Baroda Limited in 1958 August. In connection with the amalgamation there was a Scheme of Amalgamation, between the Bank of Baroda Limited and the Hind Bank Limited (Ex.10/W). Clause 11 of the Scheme of Amalgamation given in Ex.10/W is as follows:—

"11. Upon the amalgamation taking effect, the Transferee shall be deemed to have appointed and taken over all the employees of the Transferor as employees of the Transferee and

- (a) the service of all the said employees shall not be interrupted by such transfer.
- (b) the terms and conditions of service applicable to such employees after such transfer shall not in any way be less favourable to them than those applicable to them immediately before the transfer.
- (c) the Transferee shall be liable to pay to such employees in the event of retrenchment of any of them compensation payable in accordance with law on the basis that his service has been continuous and has not been interrupted by the transfer.

The transferred employees shall be subject to the discipline and service rules of the Transferee."

26. In order to understand the expression "Transferor and "Transferee" it is necessary to refer to clause 1 of Ex.10/W. It is as follows:—

"1. The Hind Bank Limited is hereinafter referred to as 'the Transferor'. The Bank of Baroda Limited is hereinafter referred to as the Transferee".

27. In view of Clause 11(a) and (b) referred to above it is clear that account of amalgamation of Hind Bank Limited with the Bank of Baroda Limited there was not to be any break in service of Hind Bank employees and that they were to be given continuity of service.

28. As per clause 6 of the Circular dated 22-11-1968 in connection with diamond Jubilee Bonus for calculating completed years of service, continuous service actually put in as on 20-7-1968, in the Bank of Baroda Limited alone was to be considered and service in any other Bank prior to amalgamation with the Bank of Baroda Limited as not to be considered. This particular clause is inconsistent with the Scheme of Amalgamation clause 11(a) and (b) (Ex.10/W). Hence the dispute between the parties is whether the Bank of Baroda is justified in making this distinction between workmen and workmen. The dispute referred to me is this. This dispute is clearly an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act, 1947.

29. It is contended on behalf of the employees that the dispute regarding ex-gratia Diamond Jubilee Bonus is not connected with the employment or non-employment or the terms of employment or with the conditions of labour of the employees and that on account of this the present dispute is not an industrial dispute within the meaning of Section 2(k) of the I.D. Act, 1947.

30. In the amalgamation Scheme Ex.10/W there is no term or condition which compels the employers to give bonus to the employees.

31. The employers have produced two forms Ex.8/E and 9/E. There is no term or condition of service in any of the forms of the employees of the Bank of Baroda, under which the Bank of Baroda was under obligation to pay any bonus to the employees. Hence

the dispute regarding bonus cannot be said to be connected with the terms and conditions of service of the employees.

32. Section 22 of the Payment of Bonus Act, 1965 lays down that where any dispute arises between an employer and his employees with respect to the bonus payable under this Act, or with respect to the application of the Act to an establishment of public sector, then such dispute shall be deemed to be an industrial dispute within the meaning of Industrial Disputes Act, 1947.

33. It means that even though the dispute relating to bonus cannot be an industrial dispute within the meaning of Section 2(k) of the I.D. Act, it will be an industrial dispute under Section 22 of the Payment of Bonus Act, 1965 provided the bonus is payable under the Act.

34. In the present case the bonus was given in connection of Diamond Jubilee. It could not be therefore a bonus under Payment of Bonus Act, 1965

35. Section 10(1)(d) of the Industrial Disputes Act, 1947 is as follows:—

"10(1)—Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing—

(d) refer the dispute or any matter appearing to be connected with or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule to a Tribunal for adjudication."

36. In view of the above provision it is clear that if there is a dispute between the parties relating to a matter specified in Third Schedule, the same can be referred to an Industrial Tribunal by the appropriate Government.

37. Item No. 5 in the Third Schedule of the Industrial Disputes Act, 1947 relates to bonus, profit sharing, provident fund and gratuity.

38. As item No. 5 in the Third Schedule relates to Bonus and as the dispute relating to this item in the Third Schedule can be referred to an Industrial Tribunal by the Government under Section 10(1)(d) of the I.D. Act, the same is an industrial dispute under the provisions of Industrial Disputes Act, 1947.

39. In the present case the circular describes the bonus as ex-gratia bonus. In my opinion the expression bonus includes the ex-gratia bonus also. If the intention of the legislation would have been to exclude the ex-gratia bonus from the provisions of the I.D. Act, they would have specifically mentioned in the Third Schedule item No. 5 on "bonus, which is not ex-gratia bonus". In my opinion the dispute about any kind of bonus can be referred to an Industrial Tribunal by the Central Government under Section 10(1) (d) of the I.D. Act, 1947.

40. It is contended on behalf of the Bank that ex-gratia bonus is a prize or gift, that it is in the discretion of the management whether to give it or not and to whom it should be given and that there can be no reference in respect of a dispute regarding prize or gift.

41. In the first place the Bank relies on the case of Manognam Mills Co. Ltd., Ahmedabad Vs. Mohamed Safi Bakruddin and 11 others reported in 1953, Labour Appeal Cases Page 58 to show that it is entirely at

the discretion of the Manager to give prize or Inam. This case lays down as follows:—

"An employer give prizes in money or in kind to workmen as an incentive to production, entirely at the discretion of the Manager, there being no fixed scheme or rule HELD—that such payments cannot be regarded as a usage or practice and no question of legal change can raise upon discontinuance.

Even if such payment were to be regarded as regards coming within the definition of wages in section 3(39) of the Bombay Industrial Relations Act, 1946, a claim for it must be made within the period of limitation.

The period of limitation runs from the date of discontinuance of the payments and there is no recurring cause of action at the end of every month."

42. The Bank relies on another case of United Commercial Bank Ltd. Vs. Mr. A. C. Kakar, Clerk, the United Commercial Bank Limited, Bellanganj, Agra and the U.P. Bank Employee's Union, Maithan, Agra reported in 1954, Labour Appeal Cases, Page 498. This case lays down as follows:—

"STRIKE—being admittedly illegal—workmen could not be entitled—to any wages—for the period of strike.

Ex-gratia payment—It is open to employer to make such payment—for the period of illegal strike—although workmen have no right to claim it.

Discrimination—one set of workmen resorted to strike being misled by leaders—other set, did it deliberately—the employers conduct in showing leniency to one set and declining to do so to the other—cannot be condemned as discrimination.

The strike was admittedly illegal as certain proceedings were pending before Industrial Tribunal, so the workmen who had gone on strike are not entitled to payment of any wages for the period of strike.

It is always open to the employer to make payment *ex-gratia* to his workmen for the period of illegal strike even if the workmen may have no right to claim it.

One set of employees have gone on strike being misled by its leaders while the other set being a leader himself was under no such handicap. In other words his conduct in resorting to strike was deliberate, with full knowledge of the consequences. In such circumstances the employers conduct in showing leniency to one set of workers and declining to do so in case of another cannot be condemned as amounting to discrimination."

43. The facts of the above two cases are not applicable to the facts of the case which I am deciding. In the present case the Bank is not giving any prize or reward to its employees, but it is giving *ex-gratia* bonus.

44. The word bonus has been defined as *ex-gratia* payment to workmen or others in the Chambers' Twentieth Century Dictionary.

45. The definition of bonus given in Oxford Illustrated Dictionary is gratuity to employees beyond their wages.

46. If we consider the dictionary meaning of the word bonus referred to above it will be clear that the two rulings relied upon by the Bank would not apply to the present case.

47. Any bonus is not included within the definition of wages given in Section 2(rr) of the I.D. Act, 1947. Similarly *ex-gratia* payment or any bonus is not included within the definition of salary or wage given in Section 2(21) of the Payment of Bonus Act, 1965. It is therefore contended that a dispute relating to *ex-gratia* payment or bonus would not be an industrial dispute and on account of this, this reference is bad in law. This contention cannot be accepted because a dispute relating to any bonus is an industrial dispute under the provisions of Section 10(1)(d) read with Third Schedule Item 5.

48. In short it will be clear from the above discussion that there is no substance in the preliminary objection raised by the Bank in their written statement Ex.2/E, para 1. I negative the Bank's contention and hold that this Tribunal has jurisdiction to entertain this reference and that the same is valid and tenable in law. Hence my finding on point Nos. i and ii are as above.

Point No. iii and iv

49. It is common ground that while giving *ex-gratia* Diamond Jubilee Bonus it was to be given on terms and conditions mentioned in the Circular dated 22-11-1968 referred to above in para 9. Clause 6 of this circular clearly mentions that for calculating completed years of service as on 20th July, 1968 continuous service actually put in the Bank of Baroda Limited will alone be considered and service in any other Bank prior to amalgamation with the Bank of Baroda Limited will not be counted. This clause clearly makes distinction between original employees of the Bank of Baroda and the employees of amalgamated banks, viz. (i) Hind Bank Limited, (ii) New Citizen Bank, (iii) and Tamilnad Central Bank Limited. The Bank is not prepared to give Diamond Jubilee bonus to the employees of amalgamated banks for their service before the amalgamation. The bank is giving them bonus only for the period of their service actually put in the Bank of Baroda i.e. for their service after amalgamation. This means that they are making distinction between workmen and workmen while giving Diamond Jubilee bonuses.

50. The Bank contends that the services of the persons who gave service to the Bank of Baroda for those years and those who have not given service to the Bank of Baroda were distinguished because each year of service with the Bank of Baroda brought prosperity to the Bank of Baroda and because the employees who did not serve the Bank of Baroda had not contributed to the prosperity of the Bank of Baroda. It is therefore contended that this distinction between the workmen and workmen does not amount for discrimination. I am unable to accept this contention.

51. If such distinction is allowed to be made, it will create dissatisfaction among the employees disturbing the industrial peace and tranquility. In the interest of social justice, for maintaining peace and tranquility and good employer-employee relationship, it is necessary that such distinction between workmen and workmen in the same establishment should not be allowed to be made. In my opinion such distinction amounts to discrimination which creates heart burning and dissatisfaction among the employees.

52. It is contended on behalf of the Association that when Golden Jubilee Bonus was given there was no discrimination but the same was made when the Diamond Jubilee Bonus was given.

53. The Circular regarding Golden Jubilee Bonus Ex.22/W is as follows:—

"THE BANK OF BARODA LTD. BARODA/INDIA

Circular letter No. 241 of 1958 24th Dec. 1958

The Manager/Agent All Branches
The Bank of Baroda Ltd.,

Dear Sir,

Re: Golden Jubilee Bonus

We have to inform you that our Board of Directors have been pleased to sanction payment of an *ex-gratia* Golden Jubilee Bonus to the members of staff equal to one month's basic salary to commemorate the Golden Jubilee of the Bank. The payment should be made on 3rd January, 1959, on the basis of the salary in December, 1958, to the debit of our account. In this connection please note that:—

- (1) Special allowances are to be included to the salary.
- (2) Payment to be made to all those who are on the pay roll on the 20th December, 1958.
- (3) Full bonus to be paid to all those on the pay roll on the 20th December, 1958, irrespective of the date of joining the service.
- (4) Part-time employees are also to be paid.
- (5) Those who were on leave on loss of pay are to be paid full bonus.
- (6) The salary for calculating bonus should be the salary that an employee draws in the month of December, 1958. Thus if an employee drawing Rs. 100/- earns an increment of Rs. 6/- on the 16th December, 1958, the bonus to be paid should be Rs. 103/- which he will actually draw for December, 1958, and not Rs. 106/-.

Please send us a statement of the amount paid with the details in respect thereof showing separately the particulars of payment of different categories, viz., officers, clerks, subordinates and part-time employees. The totals of bonus paid to each categories of the staff should be shown separately therein.

Please inform the members of your staff that it in making the payment any mistake occurs in calculations, adjustments will have to be made.

Yours faithfully,
Sd/- Illegible.
Pr. General Manager".

54. This circular lays down that full bonus should be paid to all those on the pay roll on 20th December, 1958 irrespective of the date of joining the service. In view of this clause, it is clear that the Golden Jubilee Bonus was given equally to all members of staff irrespective of their standing and that no discrimination was made between workmen and workmen.

55. The Association contends that the *ex-gratia* Bonus is not *ex-gratia* and that even if it was so the Bank cannot deprive one section of its employees without their latches. There is much force in the contention. In the absence of convincing, satisfactory and valid reasons the Bank cannot make distinction between workmen and workmen while making payment of *ex-gratia* bonus to the staff.

56. The Bank contends that Diamond Jubilee Bonus is a reward for long service given to the Bank and that minimum was paid to all, but more amount was paid to longer service put in the Bank of Baroda Limited and that on account of this distinction between workmen and workmen made in this respect does not amount to discrimination. I am unable to accept this contention.

57. By giving more amount for longer service with the Bank of Baroda Limited only the Bank of Baroda wants to show more favour sympathy and leniency to the original employees of the Bank of Baroda only. In my opinion there is no valid reason for doing so especially when they have agreed to give continuity

of service to the ex-Hind Bank Ltd., employees at the time of amalgamation under the amalgamation scheme. As the Bank has agreed to give them continuity of service and to count their previous service before amalgamation for all purposes, they cannot make any distinction between workmen and workmen, working in the same establishment for any purpose.

58. The Bank contends that this dispute has arisen because the Association in question was not consulted before declaring bonus and that this dispute is limited dispute only concerning the ex-Hind Bank Ltd. employees of Calcutta who are members of the Association in question. It is also contended by the Bank that all employees of other amalgamated Bank throughout India accepted the payment on the basis of Circular and that on account of this the Tribunal should not accept this restricted dispute and open further disputes.

59. The Bank's contention that the present dispute is restricted dispute raised by the Bank of Baroda Ltd., Calcutta staff Association representing the ex-Hind Bank Employees only cannot be accepted. The dispute referred to this Tribunal by the Central Government relates to the employees of New Citizen Bank and Tamilnad Central Bank Limited also. The Calcutta staff Association may not be representing them. Their failure to represent these employees will not make the present dispute restricted.

60. Shri Ajit Shankar Bhattacharyya, who is Agent of the Bank at Calcutta states in his evidence Ex.24/E on merit as follows:—

"This *ex-gratia* payment was accepted by all banks amalgamated with the Bank of Baroda except ex-Hind Bank. Bank of Baroda has not made any discrimination amongst the employees in respect of this payment.

61. He has produced a telex message received from the Bombay Central office in connection with the acceptance of *ex-gratia* bonus by other amalgamated banks employees. That telex message Ex.25/E is as follows:—

"GRAMSON CA-7382
CEDORAB 0113159 0302 1535/7
AGH CALCUTTA

REFTEL OF 2ND DIAMOND JUBILEE BONUS
STOP WE HAVE ON OUR RECORD NO INFORMATION RE. HOW ACCEPTANCE OF DIAMOND JUBILEE BONUS BY TAMIL NADU N.C. BANK EMPLOYEES STOP OBVIOUSLY THEY HAVE ACCEPTED STOP HOWEVER IF NECESSARY GET IT CONFIRMED FROM HEAD OFFICE--PERSODIV."

62. It appears from the telex message Ex.25/E referred to above that the Central Office Bombay has no record to show that the employee of other amalgamated Banks viz., New Citizen Bank and Tamilnad Central Bank Ltd. have refused to accept the Diamond Jubilee Bonus. It further says that obviously they must have accepted and that if necessary it should be confirmed from the Joint Office. The Bank has not produced any confirmation from the Head Office in this respect. The Agent has also no personal knowledge regarding the Diamond Jubilee Bonus except from records. In these circumstances it will be difficult to hold on the statement of the Agent that *ex-gratia* bonus was accepted by the employees of other amalgamated banks with or without protest.

63. As the amalgamation schemes of New Citizen Bank and the Tamilnad Central Bank Ltd. with the Bank of Baroda are not on record before me, it will not be proper to decide the dispute in respect of the employees of these two banks. Their dispute will

have to be kept open with liberty to take such legal steps as may be open to them.

64. In short it will be clear from the above discussion that the management of Bank of Baroda was not justified in excluding the period of service rendered by the workmen of ex-Hind Bank Ltd. prior to amalgamation with the Bank of Baroda for the purpose of payment of Diamond Jubilee Bonus declared by the Bank of Baroda in 1968 and that the action of the Bank of Baroda in doing this amounts to discrimination and unfair labour practice. The ex-Hind Bank Ltd. employees are therefore entitled to get ex-gratia Diamond Jubilee Bonus on the basis of their whole length of service before and after amalgamation with the Bank of Baroda. Hence my finding on point Nos. iii and iv are as above.

Point No. v:

65. In view of the above findings I pass the following order.

ORDER

- (i) It is hereby declared that the management of Bank of Baroda are not justified in excluding the period of service rendered by the workmen of ex-Hind Bank Ltd. in Hind Bank Ltd. prior to amalgamation with the Bank of Baroda Ltd. for the purpose of payment of Diamond Jubilee Bonus declared by the Bank of Baroda in 1968 and that they are entitled to get Diamond Jubilee Bonus on the basis of their whole length of service before and after amalgamation with the Bank of Baroda Ltd.
- (ii) It is hereby declared that the dispute as to whether the management of Bank of Baroda are justified in excluding the period of service rendered by the workmen of the New Citizen Bank and the Tamilnad Central Bank Ltd. under the said Banks for the purpose of payment of Diamond Jubilee Bonus declared by the Bank of Baroda in 1968 is kept open and that the employees of ex-New Citizen Bank and ex-Tamilnad Central Bank Ltd. may take such steps as may be open to them in respect of the present dispute.
- (iii) Award is made accordingly.
- (iv) No order as to costs.

Sd/- N. K. VANI,
President Officer.
Central Govt. Industrial Tribunal
No. 2, Bombay.
[No. 23/56/69/LRIII].

S. S. SAHASRANAMAN, Under Secy.

MINISTRY OF FOREIGN TRADE

New Delhi, the 1st April 1972

S.O. 946.—Whereas the Central Government, is of opinion that, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), rubber gloves for electrical purposes should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposals may forward the same within sixty days of the date of publication of this notification to the Export Inspection Council, 'World Trade Centre', 14/1B, Ezra Street, (7th floor), Calcutta-1.

Proposal

(1) To notify that rubber gloves for electrical purposes shall be subject to quality control and inspection prior to export;

(2) To specify the type of inspection in accordance with the draft Export of Rubber Gloves for electrical purposes (Inspection) Rules, 1972, set out in the annexure to this notification as the type of inspection which would be applied to such rubber gloves;

(3) To recognise:—

(a) the specifications, which shall be a national standard of an importing country, declared by the exporter as the agreed specifications of the export contract for the electrical rubber gloves;

(b) in the absence of any specifications as mentioned in (a), the Specifications approved for rubber gloves for electrical purposes by the Indian Standard Institution, as the standard specifications for rubber gloves for electrical purposes.

(4) To prohibit the export, in the course of international trade of the rubber gloves for electrical purposes unless the same is accompanied by a certificate issued by one of the agencies recognised by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that such rubber gloves for electrical purposes are export-worthy.

3. Nothing in this notification shall apply to the export by land, air or sea of samples of such rubber gloves to prospective buyers the f.o.b. value of which does not exceed Rs. 125.

4. In this notification 'rubber gloves for electrical purposes' shall mean all types of gloves, made wholly of rubber, used for protection to workers from electrical shocks while working on energized conductors and equipments.

ANNEXURE

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963

1. **Short title and commencement.**—(1) These rules may be called the Export of Rubber Gloves for Electrical Purposes (Inspection) Rules, 1972.

(2) These shall come into force on

2. **Definition.**—In these rules, "rubber gloves for electrical purposes" shall mean all types of gloves, made wholly of rubber, used for protection to workers from electrical shocks while working on energized conductors and equipments.

3. **Basis of inspection.**—Inspection of rubber gloves for electrical purposes shall be carried out with a view to seeing that the same conform to the standard specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), and specific requirements of foreign buyers provided such specifications do not fall below the recognised specifications.

4. **Procedure of inspection.**—(1) An exporter intending to export rubber gloves for electrical purposes shall give intimation in writing of his intention so to do and submit along with such intimation a

declaration of the specifications stipulated in the export contract relating to such export to any of the Inspection Agencies (hereinafter referred to as the Agency) recognised under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to enable it to carry out the inspection in accordance with rule 3.

(2) In case the specifications stipulated in the export contract are in the form of a sample approved by the buyer, the exporter shall accordingly submit a declaration with proof along with the approved sample and its characteristics to the Agency.

(3) Every intimation and declaration under sub-rule (1) or the sample declared under sub-rule (2) shall be given not less than 7 days before the scheduled date of shipment.

(4) On receipt of the intimation and declaration under sub-rule (3), the Agency shall carry out the inspection of the rubber gloves for electrical purposes in accordance with rule 3 and instructions, if any, issued by the Export Inspection Council in this regard.

(5) After completion of the inspection, the Agency shall immediately seal the packages in the consignment in a manner as to ensure that the sealed goods cannot be tampered with.

(6) If after inspection, the agency is satisfied that the consignments of rubber gloves for electrical purposes complies with the requirements of rule 3 it shall, within 7 days of the receipt of intimation and declaration under sub-rule (3), issue a certificate of export-worthiness to the exporter, otherwise the exporter shall be informed in writing regarding reasons for rejection, within 3 days of completion of inspection.

5. Place of inspection.—Every inspection under these rules shall be carried out either—

- (a) at the premises of the manufacturer of such products, or,
- (b) at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exist therein.

6. Inspection fee.—Subject to a minimum of Rs. 50/- for each consignment, a fee at the rate of 30 paise for every 100 rupees of f.o.b. value of each consignment shall be paid as inspection fee under these rules.

7. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (6) of rule 4, may, within 10 days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons appointed for the purpose by the Central Government.

(2) The quorum of the panel shall be three.

(3) The decision of the said panel on such appeal shall be final.

[No. 6(17)/71-Exp. Insp.]

M. K. B. BHATNAGAR,

Deputy Director (Export Promotion).

विदेश व्यापार मंत्रालय

नई दिल्ली, 1 अप्रैल, 1972

का० ३० १० ९४६ —यतः निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की भारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह

राय है कि वैद्युत प्रयोजनों के लिए रबड़-दस्ताने निर्यात के पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होने चाहिए;

और यतः केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाये हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) द्वारा यथा अपेक्षित निर्यात निरीक्षण परिषद को भेज दिया है;

अतः अब, उक्त नियम के अनुसार में केन्द्रीय सरकार उनके भारा संभाय्यतः प्रभावित होने वाले जनसाधारण की जानकारी के लिए उक्त प्रस्तावों को एतदद्वारा प्रकाशित करती हैं।

2. एतदद्वारा सूचना दी जाती है कि उक्त प्रस्तावों की बाबत किन्हीं आक्षेप या सुझाव भेजने की वांछा करने वाला कोई व्यक्ति उन्हें इस अधिसूचना की प्रकाशन की तारीख के साठ दिन के भीतर निर्यात निरीक्षण परिषद्, 'वर्ल्ड ट्रेड सेन्टर' 14/1 बी, एजरा स्ट्रीट, (७वीं मंजिल), कलकत्ता-१ को भेज सकेगा।

प्रस्ताव

(1) यह अधिसूचित करना कि वैद्युत प्रयोजनों के लिए रबड़-दस्ताने निर्यात के पूर्व, क्वालिटी नियंत्रण और निरीक्षण के अधीन होगे;

(2) निरीक्षण के प्रकार के रूप में इस अधिसूचना के उपांच में दिये गये वैद्युत प्रयोजनों के लिए रबड़-दस्तानों का निर्यात (निरीक्षण) नियम, 1972 के प्रारूप के अनुसार, निरीक्षण का प्रकार, जो ऐसे रबड़-दस्तानों को लागू होगा विनिर्दिष्ट करना;

(3) (क) वैद्युत रबड़-दस्तानों के लिए निर्यात संविदा के कारार पाये गये विनिर्देशों के रूप में निर्यातकर्ता द्वारा घोषित विनिर्देशों को जो निमी आयात करने वाले देश के राष्ट्रीय मानक होंगे, मान्यता देता;

(ख) (क) में यथा उल्लिखित किन्हीं विनिर्देशों के अधार में भारतीय मानक स्था द्वारा वैद्युत प्रयोजनों के लिए रबड़-दस्तानों के अनुमोदित विनिर्देशों को वैद्युत प्रयोजनों के लिए रबड़-दस्तानों के मानक विनिर्देशों के रूप में मान्यता देना।

(4) तब तक वैद्युत प्रयोजनों के लिए रबड़-दस्तानों के अन्तर्राष्ट्रीय व्यापार के अनुक्रम में निर्यात प्रतिपिद्ध करना, जब तक वह निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की भारा 7 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त अधिकारणों में से किसी एक-द्वारा जारी किये गये इस आशय के प्रभाणपत्र के साथ न हो कि वैद्युत प्रयोजनों के लिए ऐसे रबड़-दस्ताने निर्यात-योग्य हैं।

3. इस अधिसूचना में की कोई भी वात, भू-मार्ग, वायु-मार्ग या जल-मार्ग द्वारा ऐसे रबड़-दस्तानों के नमूनों के धारी क्रेता को निर्यात के लिए, जिनका पोत पर्यन्त निःशुल्क मूल्य 125 रुपये से अधिक न हो, लागू नहीं होगी।

4. इस अधिसूचना में 'वैद्युत प्रयोजनों के लिए रबड़-दस्तानों से उजित कंडक्टरों और उपकरों पर काम करते समय वैद्युत

धक्कों से कर्मकारी के संरक्षण के लिए उपयोग में लाये गये पूर्णतः रवड़ से बने हुए सभी प्रकार के दस्ताने अधिकृत होंगे।

उपचार

नियम (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 की धारा 17 के अधीन बनाये जाने के लिए प्रस्तावित नियमों का प्रारूप।

1. संभिप्त नाम और प्रारम्भ.—(1) इन नियमों का नाम 'वैश्वत प्रयोजनों के लिए रवड़ दस्तानों का नियाति (निरीक्षण) नियम, 1972' होगा।

(2) ऐ को प्रवृत्त होंगे।

2. परिभाषा.—इन नियमों में, 'वैश्वत प्रयोजनों के लिए रवड़ दस्तानों' से उजित कंडक्टरों और उपस्करों पर काम करते समय वैश्वत धक्कों से कर्मकारी के संरक्षण के लिए उपयोग में लाये गये पूर्णतः रवड़ से बने हुए सभी प्रकार के दस्ताने अधिकृत होंगे।

3. निरीक्षण का आधार.—वैश्वत प्रयोजनों के लिए रवड़ दस्तानों का निरीक्षण इस दृष्टि से कार्यान्वयित किया जायेगा कि वे नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त भानक विनिर्देशों और विदेशी क्रेताओं की विनिर्दिष्ट ग्रावर्स्यकलाओं के अनुल्प हों, किन्तु ऐसे विनिर्देश, मान्यता प्राप्त विनिर्देशों से कम न हों।

4. निरीक्षण की प्रक्रिया.—(1) वैश्वत प्रयोजनों के लिए रवड़ दस्तानों के नियाति करने का आशय रखने वाला कोई नियाति-कर्ता ऐसा करने के अपने आशय की लिखित सूचना देगा और ऐसी सूचना के साथ ऐसे नियाति से संबंधित नियोत संविदा में अनुबंध विनिर्देशों की घोषणा नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन मान्यता-प्राप्त निरीक्षण अधिकरणों में से किसी को (जिसे इसमें इसके पश्चात अधिकरण कहा गया है) नियम 3 के अनुसार निरीक्षण कार्यान्वयित करने के लिए उसे समर्थ बनाने हेतु भेजेगा।

(2) यदि नियाति संविदा में अनुबंध विनिर्देश, केना द्वारा अनुमोदित नमूने के रूप में हों तो नियाति-कर्ता अनुमोदित नमूना और उसका संक्षण देते हुए सबूत के माय घोषणा अधिकरण को तदनुसार भेजेगा।

(3) उपनियम (1) के अधीन प्रत्येक सूचना और घोषणा या उप-नियम (2) के अधीन घोषित नमूना पोत-भरण की अनुसूचित तारीख से कम से कम 7 दिन पूर्व दिया जायेगा।

(4) उप-नियम (3) के अधीन सूचना और घोषणा की प्राप्ति पर अधिकरण नियम 3 और नियाति निरीक्षण परिषद द्वारा इसके बारे में जारी किये गये निर्देशों, यदि कोई हो, के अनुसार वैश्वत प्रयोजनों के लिए रवड़ दस्तानों का निरीक्षण कियान्वयित करेगा।

(5) निरीक्षण की समाप्ति के पश्चात, अधिकरण तत्काल परेषण के पैकेजों को ऐसी रीति में यह सुनिश्चित करने के लिए कि सीलबंध भाल को बिगाड़ा न जा सके, सील करेगा।

(6) यदि निरीक्षण के पश्चात अधिकरण का समाधान हो गया है कि वैश्वत प्रयोजनों के लिए रवड़-दस्तानों का परेषण, नियम 3 की ग्रावर्स्यकलाओं का अनुपालन करता है, उप-नियम (3) के अधीन सूचना और घोषणा की प्राप्ति के 7 दिन के भीतर, वह नियाति-कर्ता को नियाति-योग्यता का प्रमाणपत्र जारी करेगा, अन्यथा नियाति-कर्ता को निरीक्षण की समाप्ति के तीन दिन के भीतर नामजर किये जाने के बारे में लिखित सूचना देगा।

5. निरीक्षण का स्थ. न.—इन नियमों के अधीन प्रत्येक निरीक्षण, या तो—

(क) ऐसे उत्पाद के विनिर्माता के परिसर में, या

(ख) ऐसे परिसर में, जिसमें नियाति-कर्ता द्वारा भाल प्रस्तावित किया जाता है परन्तु उसमें उस प्रयोजन के लिए पर्याप्त मुक्तिहारण विद्यमान हों,

कियान्वयित किया जायेगा।

6. निरीक्षण की. स्.—प्रत्येक परेषण के लिए निम्नतम 50 रुपये के अधीन रहते हुए, प्रत्येक परेष के पोनपर्यन्त निःशुल्क मत्य के प्रत्येक 100 रुपये के लिए 30 पैसे की दर से फीस इन नियमों के अधीन निरीक्षण फीस के रूप में संदर्भ की जायेगी।

7. अंगीकृत.—(1) नियम 4 के उप-नियम (5) के अधीन प्रमाणपत्र जारी करने के लिए अधिकरण के इन्कार में व्यक्ति कोई व्यक्ति; उसके द्वारा ऐसे इन्कार की संसूचना की प्राप्ति के 10 दिन के भीतर ऐसे विवेचनों के पेनल को अपील कर सकेगा, जिसमें केन्द्रीय सरकार द्वारा उस प्रयोजन के लिए नियुक्त 3 अधिकारियों से कर व्यक्ति न हों।

(2) पेनल की गणपूति तीन होगी।

(3) ऐसी अपील पर उक्त पेनल का विनिश्चय अंतिम होगा।

[सं. 6(17)/71-नि. नि. 0]

एम. 0 के ० बी० भट्टाचार्य,
उप-निदेशक (नियाति प्रोफ्रेसिल)।

MINISTRY OF RAILWAYS

(Railway Board)....

New Delhi, the 25th March 1972

S.O. 947.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Railway Servants (Discipline and Appeal) Rules, 1968, namely:—

1. (1) These rules may be called the Railway Servants (Discipline and Appeal) Amendment Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2 In the Railway Servants (Discipline and Appeals) Rules, 1968.—

(i) in rule 9, in sub-rule (7), for clause (a), the following shall be substituted, namely:—

"(a) (i) On receipt of the written statement of defence, the disciplinary authority shall consider the same and decide whether the inquiry should be proceeded with under this rule.

(ii) Where the disciplinary authority decides to proceed with the inquiry, it may itself inquire into such of the articles of charge as are not admitted, or appoint under sub-rule (2) a Board of Inquiry or other authority for the purpose.

(iii) Where all the articles of charge have been admitted by the railway servant in his written statement of defence, the disciplinary authority shall record its findings on each charge, after taking such further evidence as it may think fit and shall act in the manner laid down in rule 10.

(iv) If the disciplinary authority, after consideration of the written statement of defence, is of the opinion that the imposition of a major penalty is not necessary, it may drop the proceedings already initiated by it for the imposition of a major penalty, without prejudice to its right to impose any of the minor penalties, not attracting the provisions of sub-rule (2) of rule 11. Where the disciplinary authority so drops the proceedings but considers it appropriate to impose any of the minor penalties, not attracting the provisions of sub-rule (2) of rule 11, the railway servant shall be informed of the decision of the disciplinary authority and no order imposing any of the minor penalties not attracting the provisions of sub-rule (2) of rule 11, shall be made except after giving the railway servant a reasonable opportunity of making representation against the penalty proposed."

(ii) in rule 11, in sub-rule (1), for the opening sentence, the following shall be substituted, namely:—

"Subject to the provisions of sub-clause (iv) of clause (a) of sub-rule (7) of rule 9 and of sub-rule (4) of rule 10, no order imposing on a railway servant any of the penalties specified in clauses (i) to (iv) of sub-rule (1) and clauses (i) and (ii) of sub-rule (2) of rule 8 shall be made except after,—"

[No. E(D&A)70RG6-52]

H. F. PINTO,

Secty. Railway Board & Ex. Officio Jt. Secty.

रेल मंत्रालय
(रेलवे बोर्ड)

नई दिल्ली 25 मार्च, 1972

एस०ओ० 947.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा
प्रदत्त समितियों का प्रयोग करते हुए राष्ट्रपति एवं द्वारा रेल मंत्रक

(अनुशासन और अधील) नियम, 1968 में आगे संशोधन कर के लिए, निम्नलिखित नियम बनाते हैं ; अर्थात् :—

1. (i) ये नियम रेल मंत्रक (अनुशासन और अधील) संशोधन नियम, 1972 कहे जा सकेंगे ।

(ii) ये सरकारी राजपत्र में प्रकाशित होने की तारीख को प्रबृत्त होगे ।

2. रेल मंत्रक अनुशासन और (अधील) नियम, 1968 में—

(i) नियम 9 के उप-नियम 7 में खंड (क) के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात्

(क) (1) प्रतिरक्षा के लिखित कथन की प्राप्ति पर अनुशासन प्राधिकारी उस पर विचार करेगा और यह विनिश्चय करेगा कि क्या इस नियम के अन्तर्गत आगे आगे बढ़ायी जानी चाहिए ?

(ii) यदि अनुशासन प्राधिकारी आगे बढ़ाने का विनिश्चय करता है तो आरोपों के जो अनुच्छेद स्वीकार न किए गए हों उनकी या तो स्वयं जांच कर सकेगा या इस प्रयोजन के लिए जांच बोर्ड अथवा उप-नियम (2) के प्रविन अन्य प्राधिकारी को नियुक्त कर सकेगा ।

(iii) यदि प्रतिरक्षा के अपने लिखित कथन में रेल मंत्रक द्वारा आरोप के सभी अनुच्छेद स्वीकृत कर लिए गए हों तो अनुशासन प्राधिकारी ग्राम प्रतिरक्षा साक्ष्य लेने के पश्चात् जैसा कि वह ठीक समझे हर एक आरोप पर अपना निष्कर्ष अधिलिखित करेगा और नियम 10 में प्रधिकारित रीति से कार्य करेगा ।

(iv) यदि प्रतिरक्षा के लिखित कथन पर विचार करने के बाद अनुशासन प्राधिकारी की यह राय बनती हो कि वही शक्ति अधिरोपित करने की आवश्यकता नहीं है तो कोई छोटी शक्तियां अधिरोपित करने, जिसमें नियम ii के उपनियम (2) के उपबन्ध आकृष्ट न होने हों के अपने अधिकार पर प्रतिकूल प्रभाव ढाले बिना, बड़ी, शास्ति अधिरोपित करने के लिए पहले प्रारम्भ की कार्यवाही बन्द कर देंगे । यदि अनुशासन प्राधिकारी इस प्रकार कार्रवाही बन्द करता परन्तु कोई छोटी शास्ति जिसमें नियम ii के उपनियम (2) के उपबन्ध आकृष्ट न होते हों, अधिरोपित करना ठीक समझता हो तो अनुशासन प्राधिकारी के इस विनिश्चय की सूचना रेल कर्मचारी को दी जाएगी और नियम ii के उपनियम (2) के उपबन्धों को आकृष्ट न करने वाली छोटी शास्ति अधिरोपित करने का कोई प्रादेश तक तक नहीं दिया जायेगा जब तक कि प्रस्तावित शास्ति के विषय प्रधानमंत्री देने के लिए रेल मंत्रक को युक्तियुक्त प्रवर्णन न दे दिया गया हो ।

(ii) नियम 9 में, उपनियम (1) में प्रारंभिक वाक्य के स्थान पर निम्नलिखित को प्रतिस्थापित किया जायेगा, अर्थात् “नियम 9 के उपनियम 7 के खण्ड ‘क’ के उपखंड (iv) और नियम 10 के उपनियम 4 के उपबद्धों के प्रध्यधीन रहते हुए नियम 6 के उपनियम (1) के खण्ड (1) से (4) में और उपनियम (2) के खण्ड (1) और (2) में विनिर्दिष्ट शास्त्रियों में से किसी को रेल सेवक पर अधिविरोधित करने का ग्राहण——”

[सं० ई(डी० एंड ए०) 70/प्रार षी 6-52]

एच० एफ० पिन्टो,

सचिव, रेलवे बोर्ड और पदेन संयुक्त सचिव।

पत्र सं० या 667/1970 दिनांक 7 सिद्धार, 1970) के रहीकर को अधिविरोधित करते हैं।

[सं० 22/7/71-एम० II]

सौ० आर० ही० मैनन, अवर सचिव।

MINISTRY OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 25th March 1972

S.O. 949.—The Director General Posts and Telegraphs hereby specifies that with effect from 1st May 1972, the following Telephone Exchange in Andhra Circle of P&T Department will be renamed as shown against it.

| Existing name | Proposed name |
|---------------|---------------|
| Hill Colony | Nagarjunsagar |

[No. 25-5/72-PHB.]

D. R. BAHL,
Assist. Director General (PHB)

संचार मंत्रालय

(डॉक्सर बॉर्ड)

नई दिल्ली, 25 मार्च, 1972

का० आ० 949.—डॉक्सर महानिदेशक घोषित करते हैं कि दिनांक 1-5-1972 से डॉक्सर विभाग के आंध्र सहैत के निम्नलिखित टेलीफोन एक्सचेंज का नाम बदल कर उसके नाम के सामने श्रंकित नाम रखा जाएगा।

| मौजूदा नाम | प्रस्तावित नाम |
|------------|----------------|
| हिल कालोनी | नागर्जन सागर |

[सं० 25-5/72-पी एच बी]

पी० आर० बहूल,
सहायक महानिदेशक (पी एच बी)

कम्पनी काय बिराम

नई दिल्ली, 29 मार्च, 1972

का० आ० 948.—एकाधिकार एवं निर्बन्धनकारी ध्यापार प्रथा अधिनियम, 1969 की धारा 26 को उप-धारा (3) के प्रनु-सार, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के अन्तर्गत संत्यूलोज प्रारेक्ट्स आफ इंडिया के पंजीकरण (पंजीकरण प्रमाण-